



# भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following Bill was introduced in Lok Sabha on 16-03-2012:—

BILL NO. 11 OF 2012

*A Bill to give effect to the financial proposals of the Central Government for the financial year 2012-2013.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Finance Act, 2012.

Short title and commencement.

(2) Save as otherwise provided in this Act, sections 2 to 112 shall be deemed to have come into force on the 1st day of April, 2012.

#### CHAPTER II

#### RATES OF INCOME-TAX

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 2012, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in each case in the manner provided therein.

Income-tax.

(2) In the cases to which Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding five thousand rupees, in addition to total income, and the total income exceeds one lakh eighty thousand rupees, then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first one lakh eighty thousand rupees of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of one lakh eighty thousand rupees, and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income as so increased were the total income;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax in respect of the total income:

Provided that in the case of every woman, resident in India and below the age of sixty years at any time during the previous year, referred to in item (II) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words "one lakh eighty thousand rupees", the words "one lakh ninety thousand rupees" had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (III) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words "one lakh eighty thousand rupees", the words "two lakh fifty thousand rupees" had been substituted:

Provided also that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (IV) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words "one lakh eighty thousand rupees", the words "five lakh rupees" had been substituted.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be:

43 of 1961.

Provided that the amount of income-tax computed in accordance with the provisions of section 111A or section 112 shall be increased by a surcharge, for purposes of the Union, as provided in Paragraph A, B, C, D or E, as the case may be, of Part I of the First Schedule:

Provided further that in respect of any income chargeable to tax under sections 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115BBD, 115E or 115JB of the Income-tax Act, the amount of income-tax computed under this sub-section shall be increased by a surcharge, for purposes of the Union, calculated,—

(a) in the case of a domestic company, at the rate of five per cent. of such income-tax where the total income exceeds one crore rupees;

(b) in the case of every company, other than a domestic company, at the rate of two per cent. of such income-tax where the total income exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees, the total amount payable as income-tax and surcharge on such income-tax shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

(4) In cases in which tax has to be charged and paid under section 115-O or sub-section (2) of section 115R of the Income-tax Act, the tax shall be charged and paid at the rates as specified in those sections and shall be increased by a surcharge, for purposes of the Union, calculated at the rate of five per cent. of such tax.

(5) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, at the rates in force, the deductions shall be made at the rates specified in Part II of the First Schedule and shall be increased by a surcharge, for purposes of the Union, calculated in cases wherever prescribed, in the manner provided therein.

(6) In cases in which tax has to be deducted under sections 194C, 194E, 194EE, 194F, 194G, 194H, 194-I, 194J, 194LA, 194LB, 194LC, 196B, 196C and 196D of the Income-tax Act, the deductions shall be made at the rates specified in those sections and shall be increased by a surcharge, for purposes of the Union, in the case of every company, other than a domestic company, calculated at the rate of two per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees.

(7) In cases in which tax has to be collected under the proviso to section 194B of the Income-tax Act, the collection shall be made at the rates specified in Part II of the First Schedule, and shall be increased by a surcharge, for purposes of the Union, calculated, in cases wherever prescribed, in the manner provided therein.

(8) In cases in which tax has to be collected under section 206C of the Income-tax Act, the collection shall be made at the rates specified in that section and shall be increased by a surcharge, for purposes of the Union, in the case of every company, other than a domestic company, calculated at the rate of two per cent. of such tax, where the amount or the aggregate of such amounts collected and subject to the collection exceeds one crore rupees.

(9) Subject to the provisions of sub-section (10), in cases in which income-tax has to be charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the Income-tax Act or deducted from, or paid on, income chargeable under the head "Salaries" under section 192 of the said Act or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so charged, deducted or computed at the rate or rates specified in Part III of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in such cases and in such manner as provided therein:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be:

Provided further that the amount of "advance tax" computed in accordance with the provisions of section 111A or section 112 of the Income-tax Act shall be increased by a surcharge, for purposes of the Union, as provided in Paragraph E of Part III of the First Schedule pertaining to the case of a company:

Provided also that in respect of any income chargeable to tax under sections 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115BBD, 115BBE, 115E and 115JB of the Income-tax Act, "advance tax" computed under the first proviso shall be increased by a surcharge, for purposes of the Union, calculated,—

(a) in the case of every domestic company, at the rate of five per cent. of such "advance tax" where the total income exceeds one crore rupees;

(b) in the case of every company, other than a domestic company, at the rate of two per cent. of such "advance tax" where the total income exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees, the total amount payable as "advance tax" on such income and surcharge thereon, shall not exceed the total amount payable as "advance tax" on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

(10) In cases to which Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding five thousand rupees, in addition to total income and the total income exceeds two lakh rupees, then, in charging income-tax under sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first two lakh rupees of the total income but without being liable to tax], only for the purpose of charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income; and

(b) such income-tax or, as the case may be, "advance tax" shall be so charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of two lakh rupees, and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income were the total income;

(iii) the amount of income-tax or "advance tax" determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income:

Provided that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (II) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words "two lakh rupees", the words "two lakh fifty thousand rupees" had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (III) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words "two lakh rupees", the words "five lakh rupees" had been substituted.

(II) The amount of income-tax as specified in sub-sections (1) to (10) and as increased by the applicable surcharge, for purposes of the Union, calculated in the manner provided therein, shall be further increased by an additional surcharge, for purposes of the Union, to be called the "Education Cess on income-tax", calculated at the rate of two per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance universalised quality basic education:

Provided that nothing contained in this sub-section shall apply to cases in which tax is to be deducted or collected under the sections of the Income-tax Act mentioned in sub-sections (5), (6), (7) and (8), if the income subjected to deduction of tax at source or collection of tax at source is paid to a domestic company and any other person who is resident in India.

(12) The amount of income-tax as specified in sub-sections (1) to (10) and as increased by the applicable surcharge, for purposes of the Union, calculated in the manner provided therein, shall also be increased by an additional surcharge, for purposes of the Union, to be called the "Secondary and Higher Education Cess on income-tax", calculated at the rate of one per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance secondary and higher education:

Provided that nothing contained in this sub-section shall apply to cases in which tax is to be deducted or collected under the sections of the Income-tax Act mentioned in sub-sections (5), (6), (7) and (8), if the income subjected to deduction of tax at source or collection of tax at source is paid to a domestic company and any other person who is resident in India.

(13) For the purposes of this section and the First Schedule,—

(a) "domestic company" means an Indian company or any other company which, in respect of its income liable to income-tax under the Income-tax Act, for the assessment year commencing on the 1st day of April, 2012, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income;

(b) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

(c) "net agricultural income", in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;

(d) all other words and expressions used in this section and the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings, respectively, assigned to them in that Act.

### CHAPTER III

#### DIRECT TAXES

##### *Income-tax*

3. In section 2 of the Income-tax Act,—

(i) in clause (14), at the end, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1962, namely:—

Amendment of  
section 2.

*Explanation.*—For the removal of doubts, it is hereby clarified that "property" includes and shall be deemed to have always included any rights in or in relation to an Indian company, including rights of management or control or any other rights whatsoever;';

(ii) in clause (16), after the words, "Commissioner of Income-tax", the words "or a Director of Income-tax" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1988;

(iii) in clause (19AA), in sub-clause (iv), for the words "proportionate basis", the words "proportionate basis except where the resulting company itself is a shareholder of the demerged company" shall be substituted with effect from the 1st day of April, 2013;

(iv) in clause (47), the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1962, namely:—

*Explanation 2.*—For the removal of doubts, it is hereby clarified that “transfer” includes and shall be deemed to have always included disposing of or parting with an asset or any interest therein, or creating any interest in any asset in any manner whatsoever, directly or indirectly, absolutely or conditionally, voluntarily or involuntarily, by way of an agreement (whether entered into in India or outside India) or otherwise, notwithstanding that such transfer of rights has been characterised as being effected or dependent upon or flowing from the transfer of a share or shares of a company registered or incorporated outside India;’.

Amendment of section 9.

4. In section 9 of the Income-tax Act, in sub-section (1),—

(a) in clause (i), after *Explanation 3*, the following *Explanations* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1962, namely:—

*Explanation 4.*—For the removal of doubts, it is hereby clarified that the expression “through” shall mean and include and shall be deemed to have always meant and included “by means of”, “in consequence of” or “by reason of.”

*Explanation 5.*—For the removal of doubts, it is hereby clarified that an asset or a capital asset being any share or interest in a company or entity registered or incorporated outside India shall be deemed to be and shall always be deemed to have been situated in India, if the share or interest derives, directly or indirectly, its value substantially from the assets located in India.’;

(b) in clause (vi), after *Explanation 3*, the following *Explanations* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 1976, namely:—

*Explanation 4.*—For the removal of doubts, it is hereby clarified that the transfer of all or any rights in respect of any right, property or information includes and has always included transfer of all or any right for use or right to use a computer software (including granting of a licence) irrespective of the medium through which such right is transferred.

*Explanation 5.*—For the removal of doubts, it is hereby clarified that the royalty includes and has always included consideration in respect of any right, property or information, whether or not—

- (a) the possession or control of such right, property or information is with the payer;
- (b) such right, property or information is used directly by the payer;
- (c) the location of such right, property or information is in India.

*Explanation 6.*—For the removal of doubts, it is hereby clarified that the expression “process” includes and shall be deemed to have always included transmission by satellite (including up-linking, amplification, conversion for down-linking of any signal), cable, optic fibre or by any other similar technology, whether or not such process is secret;’.

Amendment of section 10.

5. In section 10 of the Income-tax Act,—

(A) in clause (10D), with effect from the 1st day of April, 2013,—

(i) in sub-clause (c),—

(I) after the words, figures and letters “the 1st day of April, 2003”, the words, figures and letters “but on or before the 31st day of March, 2012” shall be inserted;

(II) for the word “assured.”, the words “assured; or” shall be substituted;

(ii) after sub-clause (c) and before the first proviso, the following sub-clause shall be inserted, namely:—

“(d) any sum received under an insurance policy issued on or after the 1st day of April,

2012 in respect of which the premium payable for any of the years during the term of the policy exceeds ten per cent. of the actual capital sum assured.”;

(iii) in the first proviso, for the words “this sub-clause”, the words, brackets and letters “sub-clauses (c) and (d)” shall be substituted;

(iv) in the second proviso, for the words “this sub-clause”, the word, brackets and letter “sub-clause (c)” shall be substituted;

(v) the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

‘*Explanation 2*.—For the purposes of sub-clause (d), the expression “actual capital sum assured” shall have the meaning assigned to it in the *Explanation* to sub-section (3A) of section 80C;’;

(B) in clause (23C), after the sixteenth proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2009, namely:—

“Provided also that the income of a trust or institution referred to in sub-clause (iv) or sub-clause (v) shall be included in its total income of the previous year if the provisions of the first proviso to clause (15) of section 2 become applicable to such trust or institution in the said previous year, whether or not any approval granted or notification issued in respect of such trust or institution has been withdrawn or rescinded;”;

(C) in clause (23FB), in *Explanation 1*, for clause (c), the following clause shall be substituted with effect from the 1st day of April, 2013, namely:—

‘(c) “venture capital undertaking” means a venture capital undertaking referred to in the Securities and Exchange Board of India (Venture Capital Funds) Regulations, 1996 made under the Securities and Exchange Board of India Act, 1992;’;

(D) after clause (47), the following clause shall be inserted with effect from the 1st day of April, 2012, namely:—

“(48) any income received in India in Indian currency by a foreign company on account of sale of crude oil to any person in India:

Provided that—

(i) receipt of such income in India by the foreign company is pursuant to an agreement or an arrangement entered into by the Central Government or approved by the Central Government;

(ii) having regard to the national interest, the foreign company and the agreement or arrangement are notified by the Central Government in this behalf; and

(iii) the foreign company is not engaged in any activity, other than receipt of such income, in India.”.

6. In section 13 of the Income-tax Act, after sub-section (7) and before *Explanation 1*, the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2009, namely:—

“(8) Nothing contained in section 11 or section 12 shall operate so as to exclude any income from the total income of the previous year of the person in receipt thereof if the provisions of the first proviso to clause (15) of section 2 become applicable in the case of such person in the said previous year.”.

7. In section 32 of the Income-tax Act, in sub-section (1), in clause (iiia), after the words “any article or thing”, the words “or in the business of generation or generation and distribution of power” shall be inserted with effect from the 1st day of April, 2013.

Amendment of  
section 13.

Amendment of  
section 32.

Amendment of  
section 35.

8. In section 35 of the Income-tax Act, in sub-section (24B), in clause (5), for the words, figures and letters “the 31st day of March, 2012”, the words, figures and letters “the 31st day of March, 2017” shall be substituted with effect from the 1st day of April, 2013.

Amendment of  
section 35AD.

9. In section 35AD of the Income-tax Act,—

(a) after sub-section (1), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(1A) Where the specified business is of the nature referred to in sub-clause (i) or sub-clause (ii) or sub-clause (v) or sub-clause (vii) or sub-clause (viii) of clause (c) of sub-section (8) and has commenced its operations on or after the 1st day of April, 2012, the deduction under sub-section (1) shall be allowed of an amount equal to one and one-half times of the expenditure referred to therein.”;

(b) in sub-section (5), with effect from the 1st day of April, 2013,—

(A) in clause (ae), the word “and” shall be omitted;

(B) after clause (ae), the following clauses shall be inserted, namely:—

“(af) on or after the 1st day of April, 2012, where the specified business is in the nature of setting up and operating an inland container depot or a container freight station notified or approved under the Customs Act, 1962;

(ag) on or after the 1st day of April, 2012, where the specified business is in the nature of bee-keeping and production of honey and beeswax;

(ah) on or after the 1st day of April, 2012, where the specified business is in the nature of setting up and operating a warehousing facility for storage of sugar; and”;

(C) in clause (b), for the words, brackets and letters “clause (a), clause (aa), clause (ab) and clause (ac)”, the words “any of the above clauses” shall be substituted;

(c) after sub-section (6), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2011, namely:—

“(6A) Where the assessee builds a hotel of two-star or above category as classified by the Central Government and subsequently, while continuing to own the hotel, transfers the operation thereof to another person, the assessee shall be deemed to be carrying on the specified business referred to in sub-clause (iv) of clause (c) of sub-section (8).”;

(d) in sub-section (8), in clause (c), after sub-clause (viii), the following sub-clauses shall be inserted with effect from the 1st day of April, 2013, namely:—

“(ix) setting up and operating an inland container depot or a container freight station notified or approved under the Customs Act, 1962;

(x) bee-keeping and production of honey and beeswax;

(xi) setting up and operating a warehousing facility for storage of sugar.”.

52 of 1962.

5 of 1962.

Insertion of new  
sections 35CCC  
and 35CCD.

10. After section 35CCB of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of April, 2013, namely:—

“35CCC. (1) Where an assessee incurs any expenditure on agricultural extension project notified by the Board in this behalf in accordance with the guidelines as may be prescribed, then, there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure.

(2) Where a deduction under this section is claimed and allowed for any assessment year in respect of any expenditure referred to in sub-section (1), deduction shall not be allowed in respect of such expenditure under any other provisions of this Act for the same or any other assessment year.

Expenditure on  
agricultural  
extension  
project.

35CCD. (1) Where a company incurs any expenditure (not being expenditure in the nature of cost of any land or building) on any skill development project notified by the Board in this behalf in accordance with the guidelines as may be prescribed, then, there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure.

Expenditure on skill development project.

(2) Where a deduction under this section is claimed and allowed for any assessment year in respect of any expenditure referred to in sub-section (1), deduction shall not be allowed in respect of such expenditure under any other provisions of this Act for the same or any other assessment year.”.

11. In section 40 of the Income-tax Act, in clause (a), in sub-clause (ia), after the proviso and before the *Explanation*, the following proviso shall be inserted with effect from the 1st day of April, 2013, namely:—

Amendment of section 40.

“Provided further that where an assessee fails to deduct the whole or any part of the tax in accordance with the provisions of Chapter XVII-B on any such sum but is not deemed to be an assessee in default under the first proviso to sub-section (1) of section 201, then, for the purpose of this sub-clause, it shall be deemed that the assessee has deducted and paid the tax on such sum on the date of furnishing of return of income by the resident payee referred to in the said proviso.”.

12. In section 40A of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2013,—

Amendment of section 40A.

(i) in clause (a), the following proviso shall be inserted, namely:—

“Provided that no disallowance, on account of any expenditure being excessive or unreasonable having regard to the fair market value, shall be made in respect of a specified domestic transaction referred to in section 92BA, if such transaction is at arm’s length price as defined in clause (ii) of section 92F.”;

(ii) in clause (b), in sub-clause (iv), after the words “or any relative of such director, partner or member”, the words “or any other company carrying on business or profession in which the first mentioned company has substantial interest” shall be inserted.

13. In section 44AB of the Income-tax Act,—

Amendment of section 44AB.

(i) in clause (a), for the words “sixty lakh rupees”, the words “one crore rupees” shall be substituted with effect from the 1st day of April, 2013;

(ii) in clause (b), for the words “fifteen lakh rupees”, the words “twenty-five lakh rupees” shall be substituted with effect from the 1st day of April, 2013;

(iii) in the *Explanation*, in clause (ii), for the words, figures and letters “the 30th day of September of the assessment year”, the words, brackets and figures “the due date for furnishing the return of income under sub-section (1) of section 139” shall be substituted.

14. In section 44AD of the Income-tax Act,—

Amendment of section 44AD.

(a) after sub-section (5), and before the *Explanation*, the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2011, namely:—

“(6) The provisions of this section, notwithstanding anything contained in the foregoing provisions, shall not apply to—

(i) a person carrying on profession as referred to in sub-section (1) of section 44AA;

(ii) a person earning income in the nature of commission or brokerage; or

(iii) a person carrying on any agency business.”;

(b) in the *Explanation*, in clause (b), in sub-clause (ii), for the words “sixty lakh rupees”, the words “one crore rupees” shall be substituted with effect from the 1st day of April, 2013.

Amendment of section 47.

15. In section 47 of the Income-tax Act, in clause (vii), in sub-clause (a), for the words "amalgamated company, and", the words "amalgamated company except where the shareholder itself is the amalgamated company, and" shall be substituted with effect from the 1st day of April, 2013.

Amendment of section 49.

16. In section 49 of the Income-tax Act, in sub-section (1), in clause (iii), in sub-clause (e), for the words, brackets, figures and letter "clause (xiib) of section 47", the words, brackets, figures and letter "clause (xii) or clause (xiib) or clause (xiv) of section 47" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1999.

Insertion of new section 50D.

17. After section 50C of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

Fair market value deemed to be full value of consideration in certain cases.

"50D. Where the consideration received or accruing as a result of the transfer of a capital asset by an assessee is not ascertainable or cannot be determined, then, for the purpose of computing income chargeable to tax as capital gains, the fair market value of the said asset on the date of transfer shall be deemed to be the full value of the consideration received or accruing as a result of such transfer.".

Amendment of section 54B.

18. In section 54B of the Income-tax Act, in sub-section (1), for the words "the assessee or a parent of his", the words "the assessee being an individual or his parent, or a Hindu undivided family" shall be substituted with effect from the 1st day of April, 2013.

Insertion of new section 54GB.

19. After section 54GA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

'54GB. (1) Where,—

(i) the capital gain arises from the transfer of a long-term capital asset, being a residential property (a house or a plot of land), owned by the eligible assessee (herein referred to as the assessee); and

(ii) the assessee, before the due date of furnishing of return of income under sub-section (1) of section 139, utilises the net consideration for subscription in the equity shares of an eligible company (herein referred to as the company); and

(iii) the company has, within one year from the date of subscription in equity shares by the assessee, utilised this amount for purchase of new asset,

then, instead of the capital gain being charged to income-tax as the income of the previous year in which the transfer takes place, it shall be dealt with in accordance with the following provisions of this section, that is to say,—

(a) if the amount of the net consideration is greater than the cost of the new asset, then, so much of the capital gain as it bears to the whole of the capital gain the same proportion as the cost of the new asset bears to the net consideration, shall not be charged under section 45 as the income of the previous year; or

(b) if the amount of the net consideration is equal to or less than the cost of the new asset, the capital gain shall not be charged under section 45 as the income of the previous year.

(2) The amount of the net consideration, which has been received by the company for issue of shares to the assessee, to the extent it is not utilised by the company for the purchase of the new asset before the due date of furnishing of the return of income by the assessee under section 139, shall be deposited by the company, before the said due date in an account in any such bank or institution as may be specified and shall be utilised in accordance with any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and the return furnished by the assessee shall be accompanied by proof of such deposit having been made.

(3) For the purposes of sub-section (1), the amount, if any, already utilised by the company for the purchase of the new asset together with the amount deposited under sub-section (2) shall be deemed to be the cost of the new asset:

Provided that if the amount so deposited is not utilised, wholly or partly, for the purchase of the new asset within the period specified in sub-section (1), then,—

(i) the amount by which—

(a) the amount of capital gain arising from the transfer of the residential property not charged under section 45 on the basis of the cost of the new asset as provided in sub-section (1),

exceeds—

(b) the amount that would not have been so charged had the amount actually utilised for the purchase of the new asset within the period specified in sub-section (1) been the cost of the new asset,

shall be charged under section 45 as income of the assessee for the previous year in which the period of one year from the date of the subscription in equity shares by the assessee expires; and

(ii) the company shall be entitled to withdraw such amount in accordance with the scheme.

(4) If the equity shares of the company or the new asset acquired by the company are sold or otherwise transferred within a period of five years from the date of their acquisition, the amount of capital gain arising from the transfer of the residential property not charged under section 45 as provided in sub-section (1) shall be deemed to be the income of the assessee chargeable under the head "capital gains" of the previous year in which such equity shares or such new asset are sold or otherwise transferred, in addition to taxability of gains, arising on account of transfer of shares or of the new asset, in the hands of the assessee or the company, as the case may be.

(5) The provisions of this section shall not apply to any transfer of residential property made after the 31st day of March, 2017.

(6) For the purposes of this section—

(a) "eligible assessee" means an individual or a Hindu undivided family;

(b) "eligible company" means a company which fulfils the following conditions, namely:—

(i) it is a company incorporated in India during the period from the 1st day of April of the previous year relevant to the assessment year in which the capital gain arises to the due date of furnishing of return of income under sub-section (1) of section 139 by the assessee;

(ii) it is engaged in the business of manufacture of an article or a thing;

(iii) it is a company in which the assessee has more than fifty per cent. share capital or more than fifty per cent. voting rights after the subscription in shares by the assessee; and

(iv) it is a company which qualifies to be a small or medium enterprise under the Micro, Small and Medium Enterprises Act, 2006;

(c) "net consideration" shall have the meaning assigned to it in the *Explanation* to section 54F;

(d) "new asset" means new plant and machinery but does not include—

(i) any machinery or plant which, before its installation by the assessee, was used either within or outside India by any other person;

(ii) any machinery or plant installed in any office premises or any residential accommodation, including accommodation in the nature of a guest-house;

(iii) any office appliances including computers or computer software;

(iv) any vehicle; or

(v) any machinery or plant, the whole of the actual cost of which is allowed as a deduction (whether by way of depreciation or otherwise) in computing the income chargeable under the head "Profits and gains of business or profession" of any previous year.'

20. In section 55A of the Income-tax Act, in clause (a), for the words "is less than its fair market value", the words "is at variance with its fair market value" shall be substituted with effect from the 1st day of July, 2012.

Amendment of  
section 55A.

Amendment of  
section 56.

21. In section 56 of the Income-tax Act, in sub-section (2),—

(A) in clause (vii), in the *Explanation*, for clause (e), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 2009, namely:—

(e) “relative” means,—

(i) in case of an individual—

(A) spouse of the individual;

(B) brother or sister of the individual;

(C) brother or sister of the spouse of the individual;

(D) brother or sister of either of the parents of the individual;

(E) any lineal ascendant or descendant of the individual;

(F) any lineal ascendant or descendant of the spouse of the individual;

(G) spouse of the person referred to in items (B) to (F); and

(ii) in case of a Hindu undivided family, any member thereof;’;

(B) after clause (viiA), the following shall be inserted with effect from the 1st day of April, 2013, namely:—

‘(viib) where a company, not being a company in which the public are substantially interested, receives, in any previous year, from any person being a resident, any consideration for issue of shares that exceeds the face value of such shares, the aggregate consideration received for such shares as exceeds the fair market value of the shares:

Provided that this clause shall not apply where the consideration for issue of shares is received by a venture capital undertaking from a venture capital company or a venture capital fund.

*Explanation.*—For the purposes of this clause,—

(a) the fair market value of the shares shall be the value—

(i) as may be determined in accordance with such method as may be prescribed; or

(ii) as may be substantiated by the company to the satisfaction of the Assessing Officer, based on the value, on the date of issue of shares, of its assets, including intangible assets being goodwill, know-how, patents, copyrights, trademarks, licences, franchises or any other business or commercial rights of similar nature,

whichever is higher;

(b) “venture capital company”, “venture capital fund” and “venture capital undertaking” shall have the meanings respectively assigned to them in clause (a), clause (b) and clause (c) of *Explanation 1* to clause (23FB) of section 10;’.

Amendment of  
section 68.

22. In section 68 of the Income-tax Act, the following provisos shall be inserted with effect from the 1st day of April, 2013, namely:—

“Provided that where the assessee is a company, (not being a company in which the public are substantially interested) and the sum so credited consists of share application money, share capital, share premium or any such amount by whatever name called, any explanation offered by such assessee-company shall be deemed to be not satisfactory, unless—

(a) the person, being a resident in whose name such credit is recorded in the books of such company also offers an explanation about the nature and source of such sum so credited; and

(b) such explanation in the opinion of the Assessing Officer aforesaid has been found to be satisfactory:

Provided further that nothing contained in the first proviso shall apply if the person, in whose name the sum referred to therein is recorded, is a venture capital fund or a venture capital company as referred to in clause (23FB) of section 10.”.

23. In section 80A of the Income-tax Act, in sub-section (6), in the *Explanation*, after clause (ii), the following clause shall be inserted with effect from the 1st day of April, 2013, namely:—

Amendment of section 80A.

“(iii) in relation to any goods or services sold, supplied or acquired means the arm's length price as defined in clause (ii) of section 92F of such goods or services, if it is a specified domestic transaction referred to in section 92BA.”.

24. In section 80C of the Income-tax Act, with effect from the 1st day of April, 2013,—

Amendment of section 80C.

(i) in sub-section (3), for the words “insurance policy other than a contract for a deferred annuity”, the words, figures and letters “insurance policy, other than a contract for a deferred annuity, issued on or before the 31st day of March, 2012,” shall be substituted;

(ii) after sub-section (3), the following shall be inserted, namely:—

‘(3A) The provisions of sub-section (2) shall apply only to so much of any premium or other payment made on an insurance policy, other than a contract for a deferred annuity, issued on or after the 1st day of April, 2012 as is not in excess of ten per cent. of the actual capital sum assured.

*Explanation.*—For the purposes of this sub-section, “actual capital sum assured” in relation to a life insurance policy shall mean the minimum amount assured under the policy on happening of the insured event at any time during the term of the policy, not taking into account—

(i) the value of any premium agreed to be returned; or

(ii) any benefit by way of bonus or otherwise over and above the sum actually assured, which is to be or may be received under the policy by any person.’.

25. In section 80D of the Income-tax Act, with effect from the 1st day of April, 2013,—

Amendment of section 80D.

(a) in sub-section (1), for the words, “other than cash,”, the words, brackets, figure and letter “as specified in sub-section (2B),” shall be substituted;

(b) in sub-section (2),—

(A) in clause (a), after the words “the Central Government Health Scheme”, the words “or any payment made on account of preventive health check-up of the assessee or his family” shall be inserted;

(B) in clause (b), after the words “parents of the assessee”, the words “or any payment made on account of preventive health check-up of the parent or parents of the assessee” shall be inserted;

(c) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) Where the amounts referred to in clauses (a) and (b) of sub-section (2) are paid on account of preventive health check-up, the deduction for such amounts shall be allowed to the extent it does not exceed in the aggregate five thousand rupees.

(2B) For the purposes of deduction under sub-section (1), payment shall be made by—

(i) any mode, including cash, in respect of any sum paid on account of preventive health check-up;

(ii) any mode other than cash in all other cases not falling under clause (i).”;

(d) in sub-section (4), in the *Explanation*, for the words “sixty-five years”, the words “sixty years” shall be substituted.

26. In section 80DDB of the Income-tax Act, in the *Explanation*, in clause (iv), for the words “sixty-five years”, the words “sixty years” shall be substituted with effect from the 1st day of April, 2013.

Amendment of section 80DDB.

27. In section 80G of the Income-tax Act, after sub-section (5C), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

Amendment of section 80G.

“(5D) No deduction shall be allowed under this section in respect of donation of any sum exceeding ten thousand rupees unless such sum is paid by any mode other than cash.”.

28. In section 80GGA of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

Amendment of section 80GGA.

“(2A) No deduction shall be allowed under this section in respect of any sum exceeding ten thousand rupees unless such sum is paid by any mode other than cash.”.

Amendment of  
section 80-IA.

29. In section 80-IA of the Income-tax Act, with effect from the 1st day of April, 2013,—

(a) in sub-section (4), in clause (iv), for the words, figures and letters “the 31st day of March, 2012”, wherever they occur, the words, figures and letters “the 31st day of March, 2013” shall respectively be substituted;

(b) in sub-section (8), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation*.—For the purposes of this sub-section, “market value”, in relation to any goods or services, means—

(i) the price that such goods or services would ordinarily fetch in the open market; or

(ii) the arm’s length price as defined in clause (ii) of section 92F, where the transfer of such goods or services is a specified domestic transaction referred to in section 92BA.’;

(c) in sub-section (10), the following proviso shall be inserted, namely:—

“Provided that in case the aforesaid arrangement involves a specified domestic transaction referred to in section 92BA, the amount of profits from such transaction shall be determined having regard to arm’s length price as defined in clause (ii) of section 92F.”.

Insertion of  
new Part

30. In Chapter VI-A of the Income-tax Act, after Part C, the following Part shall be inserted with effect from the 1st day of April, 2013, namely:—

‘CA.—*Deductions in respect of other incomes*

Deduction in  
respect of  
interest on  
deposits in  
savings  
account

80TTA. (1) Where the gross total income of an assessee, being an individual or a Hindu undivided family, includes any income by way of interest on deposits (not being time deposits) in a savings account with—

(a) a banking company to which the Banking Regulation Act, 1949, applies (including any bank or banking institution referred to in section 51 of that Act);

(b) a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank); or

(c) a Post Office as defined in clause (k) of section 2 of the Indian Post Office Act, 1898,

10 of 1949.

6 of 1898.

there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee a deduction as specified hereunder, namely:—

(i) in a case where the amount of such income does not exceed in the aggregate ten thousand rupees, the whole of such amount; and

(ii) in any other case, ten thousand rupees.

(2) Where the income referred to in this section is derived from any deposit in a savings account held by, or on behalf of, a firm, an association of persons or a body of individuals, no deduction shall be allowed under this section in respect of such income in computing the total income of any partner of the firm or any member of the association or any individual of the body.

*Explanation*.—For the purposes of this section, “time deposits” means the deposits repayable on expiry of fixed periods.’.

Amendment of  
section 90.

31. In section 90 of the Income-tax Act,—

(a) after sub-section (2), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the provisions of Chapter X-A of the Act shall apply to the assessee, even if such provisions are not beneficial to him.”;

(b) after sub-section (3) and before *Explanation* 1, the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(4) An assessee, not being a resident, to whom an agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing such particulars as may be prescribed, of his being a resident in any country outside India or specified territory outside India, as the case may be, is obtained by him from the Government of that country or specified territory.”;

(c) after *Explanation 2*, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 2009, namely:—

“*Explanation 3*.—For the removal of doubts, it is hereby declared that where any term is used in any agreement entered into under sub-section (1) and not defined under the said agreement or the Act, but is assigned a meaning to it in the notification issued under sub-section (3) and the notification issued thereunder being in force, then, the meaning assigned to such term shall be deemed to have effect from the date on which the said agreement came into force.”;

Amendment of section 90A.

32. In section 90A of the Income-tax Act,—

(a) after sub-section (2), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the provisions of Chapter X-A of the Act shall apply to the assessee, even if such provisions are not beneficial to him.”;

(b) after sub-section (3) and before *Explanation 1*, the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(4) An assessee, not being a resident, to whom the agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing such particulars as may be prescribed, of his being a resident in any specified territory outside India, is obtained by him from the Government of that specified territory.”;

(c) after *Explanation 2*, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2006, namely:—

“*Explanation 3*.—For the removal of doubts, it is hereby declared that where any term is used in any agreement entered into under sub-section (1) and not defined under the said agreement or the Act, but is assigned a meaning to it in the notification issued under sub-section (3) and the notification issued thereunder being in force, then, the meaning assigned to such term shall be deemed to have effect from the date on which the said agreement came into force.”.

Amendment of section 92.

33. In section 92 of the Income-tax Act, with effect from the 1st day of April, 2013,—

(a) in sub-section (2), for the words “international transaction”, the words “international transaction or specified domestic transaction” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any allowance for an expenditure or interest or allocation of any cost or expense or any income in relation to the specified domestic transaction shall be computed having regard to the arm’s length price.”;

(c) in sub-section (3),—

(i) for the words “international transaction”, the words “international transaction or specified domestic transaction” shall be substituted.

(ii) for the word, brackets and figure “sub-section (1)”, the words, brackets, figures and letter “sub-section (1) or sub-section (2A)” shall be substituted;

(iii) for the words “that sub-section”, the words, brackets, figures and letter “sub-section (1) or sub-section (2A)” shall be substituted;

(iv) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted.

Amendment of section 92B.

34. In section 92B of the Income-tax Act, after sub-section (2), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2002, namely:—

‘*Explanation*.—For the removal of doubts, it is hereby clarified that—

(i) the expression “international transaction” shall include—

(a) the purchase, sale, transfer, lease or use of tangible property including building, transportation vehicle, machinery, equipment, tools, plant, furniture, commodity or any other article, product or thing;

- (b) the purchase, sale, transfer, lease or use of intangible property, including the transfer of ownership or the provision of use of rights regarding land use, copyrights, patents, trademarks, licences, franchises, customer list, marketing channel, brand, commercial secret, know-how, industrial property right, exterior design or practical and new design or any other business or commercial rights of similar nature;
- (c) capital financing, including any type of long-term or short-term borrowing, lending or guarantee, purchase or sale of marketable securities or any type of advance, payments or deferred payment or receivable or any other debt arising during the course of business;
- (d) provision of services, including provision of market research, market development, marketing management, administration, technical service, repairs, design, consultation, agency, scientific research, legal or accounting service;
- (e) a transaction of business restructuring or reorganisation, entered into by an enterprise with an associated enterprise, irrespective of the fact that it has bearing on the profit, income, losses or assets of such enterprises at the time of the transaction or at any future date;
- (ii) the expression "intangible property" shall include—
  - (a) marketing related intangible assets, such as, trademarks, trade names, brand names, logos;
  - (b) technology related intangible assets, such as, process patents, patent applications, technical documentation such as laboratory notebooks, technical know-how;
  - (c) artistic related intangible assets, such as, literary works and copyrights, musical compositions, copyrights, maps, engravings;
  - (d) data processing related intangible assets, such as, proprietary computer software, software copyrights, automated databases, and integrated circuit masks and masters;
  - (e) engineering related intangible assets, such as, industrial design, product patents, trade secrets, engineering drawing and schematics, blueprints, proprietary documentation;
  - (f) customer related intangible assets, such as, customer lists, customer contracts, customer relationship, open purchase orders;
  - (g) contract related intangible assets, such as, favourable supplier, contracts, licence agreements, franchise agreements, non-compete agreements;
  - (h) human capital related intangible assets, such as, trained and organised work force, employment agreements, union contracts;
  - (i) location related intangible assets, such as, leasehold interest, mineral exploitation rights, easements, air rights, water rights;
  - (j) goodwill related intangible assets, such as, institutional goodwill, professional practice goodwill, personal goodwill of professional, celebrity goodwill, general business going concern value;
  - (k) methods, programmes, systems, procedures, campaigns, surveys, studies, forecasts, estimates, customer lists, or technical data;
  - (l) any other similar item that derives its value from its intellectual content rather than its physical attributes.'

Insertion of  
new sections  
92BA.

35. After section 92B of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

Meaning of  
specified  
domestic  
transaction.

'92BA. For the purposes of this section and sections 92, 92C, 92D and 92E, "specified domestic transaction" in case of an assessee means any of the following transactions, not being an international transaction, namely:—

- (i) any expenditure in respect of which payment has been made or is to be made to a person referred to in clause (b) of sub-section (2) of section 40A;
- (ii) any transaction referred to in section 80A;

- (iii) any transfer of goods or services referred to in sub-section (8) of section 80-IA;
- (iv) any business transacted between the assessee and other person as referred to in sub-section (10) of section 80-IA;
- (v) any transaction, referred to in any other section under Chapter VI-A or section 10AA, to which provisions of sub-section (8) or sub-section (10) of section 80-IA are applicable; or
- (vi) any other transaction as may be prescribed,

and where the aggregate of such transactions entered into by the assessee in the previous year exceeds a sum of five crore rupees.'

**36. In section 92C of the Income-tax Act,—**

Amendment  
of section  
99C.

(a) in sub-section (2),—

(i) in the second proviso, for the words "does not exceed such percentage of latter as may be notified", the words "does not exceed such percentage not exceeding three per cent. of the latter, as may be notified" shall be substituted with effect from the 1st day of April, 2013;

(ii) after the second proviso, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 2009, namely:—

*"Explanation.—For the removal of doubts, it is hereby clarified that the provisions of the second proviso shall also be applicable to all assessment or reassessment proceedings pending before an Assessing Officer as on the 1st day of October, 2009."*

(b) after sub-section (2), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2002, namely:—

33 of 2009.

"(2A) Where the first proviso to sub-section (2) as it stood before its amendment by the Finance (No. 2) Act, 2009, is applicable in respect of an international transaction for an assessment year and the variation between the arithmetical mean referred to in the said proviso and the price at which such transaction has actually been undertaken exceeds five per cent. of the arithmetical mean, then, the assessee shall not be entitled to exercise the option as referred to in the said proviso.";

(c) after sub-section (2A) as so inserted, the following sub-section shall be inserted with effect from the 1st day of July, 2012, namely:—

"(2B) Nothing contained in sub-section (2A) shall empower the Assessing Officer either to assess or reassess under section 147 or pass an order enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154 for any assessment year the proceedings of which have been completed before the 1st day of October, 2009.".

**37. In sections 92C, 92D and section 92E of Chapter X of the Income-tax Act, for the words "international transaction" wherever they occur, the words "international transaction or specified domestic transaction" shall respectively be substituted with effect from the 1st day of April, 2013.**

Amendment  
of Chapter X.

**38. In section 92CA of the Income-tax Act,—**

Amendment  
of section  
92CA.

(a) in sub-sections (1), (2) and (3), for the words "international transaction", wherever they occur, the words "international transaction or specified domestic transaction" shall respectively be substituted with effect from the 1st day of April, 2013;

(b) after sub-section (2A), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2002, namely:—

"(2B) Where in respect of an international transaction, the assessee has not furnished the report under section 92E and such transaction comes to the notice of the Transfer Pricing Officer during the course of the proceeding before him, the provisions of this Chapter shall apply as if such transaction is an international transaction referred to him under sub-section (1).".

(c) after sub-section (2B), as so inserted, the following sub-section shall be inserted with effect from the 1st day of July, 2012, namely:—

“(2C) Nothing contained in sub-section (2B) shall empower the Assessing Officer either to assess or reassess under section 147 or pass an order enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154, for any assessment year, proceedings for which have been completed before the 1st day of July, 2012.”.

**39.** After section 92CB of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of July, 2012, namely:—

‘92CC. (1) The Board, with the approval of the Central Government, may enter into an advance pricing agreement with any person, determining the arm’s length price or specifying the manner in which arm’s length price is to be determined, in relation to an international transaction to be entered into by that person.

(2) The manner of determination of arm’s length price referred to in sub-section (1), may include the methods referred to in sub-section (1) of section 92C or any other method, with such adjustments or variations, as may be necessary or expedient so to do.

(3) Notwithstanding anything contained in section 92C or section 92CA, the arm’s length price of any international transaction, in respect of which the advance pricing agreement has been entered into, shall be determined in accordance with the advance pricing agreement so entered.

(4) The agreement referred to in sub-section (1) shall be valid for such period not exceeding five consecutive previous years as may be specified in the agreement.

(5) The advance pricing agreement entered into shall be binding—

(a) on the person in whose case, and in respect of the transaction in relation to which, the agreement has been entered into; and

(b) on the Commissioner, and the income-tax authorities subordinate to him, in respect of the said person and the said transaction.

(6) The agreement referred to in sub-section (1) shall not be binding if there is a change in law or facts having bearing on the agreement so entered.

(7) The Board may, with the approval of the Central Government, by an order, declare an agreement to be void *ab initio*, if it finds that the agreement has been obtained by the person by fraud or misrepresentation of facts.

(8) Upon declaring the agreement void *ab initio*,—

(a) all the provisions of the Act shall apply to the person as if such agreement had never been entered into; and

(b) notwithstanding anything contained in the Act, for the purpose of computing any period of limitation under this Act, the period beginning with the date of such agreement and ending on the date of order under sub-section (7) shall be excluded:

Provided that where immediately after the exclusion of the aforesaid period, the period of limitation, referred to in any provision of this Act, is less than sixty days, such remaining period shall be extended to sixty days and the aforesaid period of limitation shall be deemed to be extended accordingly.

(9) The Board may, for the purposes of this section, prescribe a scheme specifying therein the manner, form, procedure and any other matter generally in respect of the advance pricing agreement.

(10) Where an application is made by a person for entering into an agreement referred to in sub-section (1), the proceeding shall be deemed to be pending in the case of the person for the purposes of the Act.

92CD. (1) Notwithstanding anything to the contrary contained in section 139, where any person has entered into an agreement and prior to the date of entering into the agreement, any return of income has been furnished under the provisions of section 139 for any assessment year relevant to a previous year to which such agreement applies, such person shall furnish, within a period of three

months from the end of the month in which the said agreement was entered into, a modified return in accordance with and limited to the agreement.

(2) Save as otherwise provided in this section, all other provisions of this Act shall apply accordingly as if the modified return is a return furnished under section 139.

(3) If the assessment or reassessment proceedings for an assessment year relevant to a previous year to which the agreement applies have been completed before the expiry of period allowed for furnishing of modified return under sub-section (1), the Assessing Officer shall, in a case where modified return is filed in accordance with the provisions of sub-section (1), proceed to assess or reassess or recompute the total income of the relevant assessment year having regard to and in accordance with the agreement.

(4) Where the assessment or reassessment proceedings for an assessment year relevant to the previous year to which the agreement applies are pending on the date of filing of modified return in accordance with the provisions of sub-section (1), the Assessing Officer shall proceed to complete the assessment or reassessment proceedings in accordance with the agreement taking into consideration the modified return so furnished.

(5) Notwithstanding anything contained in section 153 or section 153B or section 144C,—

(a) the order of assessment, reassessment or recomputation of total income under sub-section (3) shall be passed within a period of one year from the end of the financial year in which the modified return under sub-section (1) is furnished;

(b) the period of limitation as provided in section 153 or section 153B or section 144C for completion of pending assessment or reassessment proceedings referred to in sub-section (4) shall be extended by a period of twelve months.

(6) For the purposes of this section,—

(i) "agreement" means an agreement referred to in sub-section (1) of section 92CC;

(ii) the assessment or reassessment proceedings for an assessment year shall be deemed to have been completed where—

(a) an assessment or reassessment order has been passed; or

(b) no notice has been issued under sub-section (2) of section 143 till the expiry of the limitation period provided under the said section.'

40. After Chapter X of the Income-tax Act, the following Chapter shall be inserted with effect from the 1st day of April, 2013, namely:—

Insertion of new Chapter X-A.

#### 'CHAPTER X-A

##### GENERAL ANTI-AVOIDANCE RULE

95. Notwithstanding anything contained in the Act, an arrangement entered into by an assessee may be declared to be an impermissible avoidance arrangement and the consequence in relation to tax arising therefrom may be determined subject to the provisions of this Chapter.

Applicability of General Anti-Avoidance Rule.

*Explanation.*—For the removal of doubts, it is hereby declared that the provisions of this Chapter may be applied to any step in, or a part of, the arrangement as they are applicable to the arrangement.

Impermissible avoidance arrangement.

96. (1) An impermissible avoidance arrangement means an arrangement, the main purpose or one of the main purposes of which is to obtain a tax benefit and it—

(a) creates rights, or obligations, which are not ordinarily created between persons dealing at arm's length;

(b) results, directly or indirectly, in the misuse, or abuse, of the provisions of this Act;

(c) lacks commercial substance or is deemed to lack commercial substance under section 97, in whole or in part; or

(d) is entered into, or carried out, by means, or in a manner, which are not ordinarily employed for *bona fide* purposes.

(2) An arrangement which results in any tax benefit (but for the provisions of this Chapter) shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit unless the person obtaining the tax benefit proves that obtaining the tax benefit was not the main purpose of the arrangement.

(3) An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit, if the main purpose of a step in, or a part of, the arrangement is to obtain a tax benefit, notwithstanding the fact that the main purpose of the whole arrangement is not to obtain a tax benefit.

Arrangement to lack commercial substance.

97. (1) An arrangement shall be deemed to lack commercial substance if—

(a) the substance or effect of the arrangement as a whole, is inconsistent with, or differs significantly from, the form of its individual steps or a part; or

(b) it involves or includes—

(i) round trip financing;

(ii) an accommodating party;

(iii) elements that have effect of offsetting or cancelling each other; or

(iv) a transaction which is conducted through one or more persons and disguises the value, location, source, ownership or control of funds which is the subject matter of such transaction; or

(c) it involves the location of an asset or of a transaction or of the place of residence of any party which would not have been so located for any substantial commercial purpose other than obtaining a tax benefit (but for the provisions of this Chapter) for a party.

(2) For the purposes of sub-section (1), round trip financing includes any arrangement in which, through a series of transactions—

(a) funds are transferred among the parties to the arrangement; and

(b) such transactions do not have any substantial commercial purpose other than obtaining the tax benefit (but for the provisions of this Chapter),

without having any regard to—

(A) whether or not the funds involved in the round trip financing can be traced to any funds transferred to, or received by, any party in connection with the arrangement;

(B) the time, or sequence, in which the funds involved in the round trip financing are transferred or received; or

(C) the means by, or manner in, or mode through, which funds involved in the round trip financing are transferred or received.

(3) For the purposes of this Chapter, a party to an arrangement shall be an accommodating party, if the main purpose of the direct or indirect participation of that party in the arrangement, in whole or in part, is to obtain, directly or indirectly, a tax benefit (but for the provisions of this Chapter) for the assessee whether or not the party is a connected person in relation to any party to the arrangement.

(4) The following shall not be taken into account while determining whether an arrangement lacks commercial substance or not, namely:—

(i) the period or time for which the arrangement (including operations therein) exists;

(ii) the fact of payment of taxes, directly or indirectly, under the arrangement;

(iii) the fact that an exit route (including transfer of any activity or business or operations) is provided by the arrangement.

98. (1) If an arrangement is declared to be an impermissible avoidance arrangement, then the consequences, in relation to tax, of the arrangement, including denial of tax benefit or a benefit under a tax treaty, shall be determined, in such manner as is deemed appropriate, in the circumstances of the case, including by way of but not limited to the following, namely:—

Consequence of impermissible avoidance arrangement.

(a) disregarding, combining or recharacterising any step in, or a part or whole of, the impermissible avoidance arrangement;

(b) treating the impermissible avoidance arrangement as if it had not been entered into or carried out;

(c) disregarding any accommodating party or treating any accommodating party and any other party as one and the same person;

(d) deeming persons who are connected persons in relation to each other to be one and the same person for the purposes of determining tax treatment of any amount;

(e) reallocating amongst the parties to the arrangement—

(i) any accrual, or receipt, of a capital or revenue nature; or

(ii) any expenditure, deduction, relief or rebate;

(f) treating—

(i) the place of residence of any party to the arrangement; or

(ii) the *situs* of an asset or of a transaction,

at a place other than the place of residence, location of the asset or location of the transaction as provided under the arrangement; or

(g) considering or looking through any arrangement by disregarding any corporate structure.

(2) For the purposes of sub-section (1),—

(i) any equity may be treated as debt or *vice versa*;

(ii) any accrual, or receipt, of a capital nature may be treated as of revenue nature or *vice versa*; or

(iii) any expenditure, deduction, relief or rebate may be recharacterised.

99. For the purposes of this Chapter, in determining whether a tax benefit exists—

Treatment of connected person and accommodating party.

(i) the parties who are connected persons in relation to each other may be treated as one and the same person;

(ii) any accommodating party may be disregarded;

(iii) such accommodating party and any other party may be treated as one and the same person;

(iv) the arrangement may be considered or looked through by disregarding any corporate structure.

100. The provisions of this Chapter shall apply in addition to, or in lieu of, any other basis for determination of tax liability.

Application of Chapter

101. The provisions of this Chapter shall be applied in accordance with such guidelines and subject to such conditions and the manner as may be prescribed.

Framing of guidelines

102. In this Chapter, unless the context otherwise requires,—

Definitions

(1) "arrangement" means any step in, or a part or whole of, any transaction, operation, scheme, agreement or understanding, whether enforceable or not, and includes the alienation of any property in such transaction, operation, scheme, agreement or understanding;

(2) "asset" includes property, or right, of any kind;

(3) "associated person", in relation to a person, means—

- (a) any relative of the person, if the person is an individual;
- (b) any director of the company or any relative of such director, if the person is a company;
- (c) any partner or member of a firm or association of persons or body of individuals or any relative of such partner or member if the person is a firm or association of persons or body of individuals;
- (d) any member of the Hindu undivided family or any relative of such member, if the person is a Hindu undivided family;
- (e) any individual who has a substantial interest in the business of the person or any relative of such individual;
- (f) a company, firm or an association of persons or a body of individuals, whether incorporated or not, or a Hindu undivided family having a substantial interest in the business of the person or any director, partner, or member of the company, firm or association of persons or body of individuals or family, or any relative of such director, partner or member;
- (g) a company, firm or association of persons or body of individuals, whether incorporated or not, or a Hindu undivided family, whose director, partner, or member have a substantial interest in the business of the person, or family or any relative of such director, partner or member;
- (h) any other person who carries on a business, if—

- (i) the person being an individual, or any relative of such person, has a substantial interest in the business of that other person; or
- (ii) the person being a company, firm, association of persons, body of individuals, whether incorporated or not, or a Hindu undivided family, or any director, partner or member of such company, firm or association of persons or body of individuals or family, or any relative of such director, partner or member, has a substantial interest in the business of that other person;

(4) "benefit" includes a payment of any kind whether in tangible or intangible form;

(5) "connected person" means any person who is connected directly or indirectly to another person and includes associated person;

(6) "fund" includes—

- (a) any cash;
- (b) cash equivalents; and
- (c) any right, or obligation, to receive, or pay, the cash or cash equivalent;

(7) "party" means any person including a permanent establishment which participates or takes part in an arrangement;

(8) "relative" shall have the meaning assigned to it in the *Explanation* to clause (vi) of sub-section (2) of section 56;

(9) a person shall be deemed to have a substantial interest in the business, if—

- (a) in a case where the business is carried on by a company, such person is, at any time during the financial year, the beneficial owner of equity shares carrying twenty per cent. or more, of the voting power; or
- (b) in any other case, such person is, at any time during the financial year, beneficially entitled to twenty per cent. or more, of the profits of such business;

(10) "step" includes a measure or an action, particularly one of a series taken in order to deal with or achieve a particular thing or object in the arrangement;

(11) "tax benefit" means—

- (a) a reduction or avoidance or deferral of tax or other amount payable under this Act; or

- (b) an increase in a refund of tax or other amount under this Act; or
- (c) a reduction or avoidance or deferral of tax or other amount that would be payable under this Act, as a result of a tax treaty; or
- (d) an increase in a refund of tax or other amount under this Act as a result of a tax treaty; or
- (e) a reduction in total income including increase in loss,

in the relevant previous year or any other previous year.

(12) "tax treaty" means an agreement referred to in sub-section (1) of section 90 or sub-section (1) of section 90A.'

41. In section 111A of the Income-tax Act, in sub-section (1), in the proviso, for the words "ten per cent.", the words "fifteen per cent." shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2009.

Amendment of section 111A.

42. In section 115A of the Income-tax Act, with effect from the 1st day of July, 2012, in sub-section (1), in clause (a),—

Amendment of section 115A.

- (a) in sub-clause (ii), for the word, brackets, figures and letter "clause (iia)", the words, brackets, figures and letters "sub-clause (iia) or sub-clause (iiia)" shall be substituted;
- (b) after sub-clause (iia), the following sub-clause shall be inserted, namely:—  
"(iiia) interest of the nature and extent referred to in section 194LC; or";
- (c) in item (B4), after the word, brackets, figures and letter "sub-clause (iia)", the words, brackets, figures and letters "or sub-clause (iiia)" shall be inserted;
- (d) in item (D), after the word, brackets, figures and letter "sub-clause (iia)", the word, brackets, figures and letters "sub-clause (iiia)" shall be inserted.

43. In section 115BBA of the Income-tax Act, with effect from the 1st day of April, 2013,—

Amendment of section 115B.

(a) in sub-section (1),—

- (i) in clause (b), the word ";" or" shall be inserted at the end;
- (ii) after clause (b), and before the words "the income-tax payable by the assessee", the following clause shall be inserted, namely:—  
"(c) being an entertainer, who is not a citizen of India and is a non-resident, includes any income received or receivable from his performance in India.;"

(iii) for the words, brackets and letters "clause (a) or clause (b)", wherever they occur, the words, brackets and letters "clause (a) or clause (b) or clause (c)" shall respectively be substituted;

(iv) after the words "the income-tax payable by the assessee shall be the aggregate of—", in clause (i), for the words "ten per cent.", the words "twenty per cent." shall be substituted;

(b) in sub-section (2), in clause (a), for the words, brackets and letters "clause (a) or clause (b)", the words, brackets and letters "clause (a) or clause (b) or clause (c)" shall be substituted.

44. In section 115BBD of the Income-tax Act, in sub-section (1), after the words, figures and letters "the 1st day of April, 2012", the words, figures and letters "or beginning on the 1st day of April, 2013" shall be inserted with effect from the 1st day of April, 2013.

Amendment of section 115BBD.

45. After section 115BBD of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

Insertion of new section 115BBE.

"115BBE. (1) Where the total income of an assessee includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D, the income-tax payable shall be the aggregate of—

- (a) the amount of income-tax calculated on income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D, at the rate of thirty per cent.; and

Tax on income referred to in section 68 or section 69 or section 69A or section 69B or

Amendment of section 69C or section 69D.

(b) the amount of income-tax with which the assessee would have been chargeable had his total income been reduced by the amount of income referred to in clause (a).

(2) Notwithstanding anything contained in this Act, no deduction in respect of any expenditure or allowance shall be allowed to the assessee under any provision of this Act in computing his income referred to in clause (a) of sub-section (1).".

Amendment of section 115JB.

46. In section 115JB of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2013,—

(i) for the portion beginning with the words "Every assessee," and ending with the words and figures "the Companies Act, 1956.", the following shall be substituted, namely:—

1 of 1956.

"Every assessee,—

(a) being a company, other than a company referred to in clause (b), shall, for the purposes of this section, prepare its profit and loss account for the relevant previous year in accordance with the provisions of Part II of Schedule VI to the Companies Act, 1956; or

1 of 1956.

(b) being a company, to which the proviso to sub-section (2) of section 211 of the Companies Act, 1956 is applicable, shall, for the purposes of this section, prepare its profit and loss account for the relevant previous year in accordance with the provisions of the Act governing such company";;

1 of 1956.

(ii) in *Explanation 1*, after clause (i), for the words, brackets and letters "if any amount referred to in clauses (a) to (i) is debited to the profit and loss account, and as reduced by,—", the following shall be substituted, namely:—

"(j) the amount standing in revaluation reserve relating to revalued asset on the retirement or disposal of such asset,

if any amount referred to in clauses (a) to (i) is debited to the profit and loss account or if any amount referred to in clause (j) is not credited to the profit and loss account, and as reduced by,—".

Amendment of Chapter XII-BA.

47. In Chapter XII-BA of the Income-tax Act, in the heading, for the words "LIMITED LIABILITY PARTNERSHIPS", the words "PERSONS OTHER THAN A COMPANY" shall be substituted with effect from the 1st day of April, 2013.

Substitution of new section for section 115JC.

48. For section 115JC of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 2013, namely:—

Special provisions for payment of tax by certain persons other than a company.

'115JC. (1) Notwithstanding anything contained in this Act, where the regular income-tax payable for a previous year by a person, other than a company, is less than the alternate minimum tax payable for such previous year, the adjusted total income shall be deemed to be the total income of that person for such previous year and he shall be liable to pay income-tax on such total income at the rate of eighteen and one-half per cent.

(2) Adjusted total income referred to in sub-section (1) shall be the total income before giving effect to this Chapter as increased by—

(i) deductions claimed, if any, under any section (other than section 80P) included in Chapter VI-A under the heading "C.—*Deductions in respect of certain incomes*"; and

(ii) deduction claimed, if any, under section 10AA.

(3) Every person to whom this section applies shall obtain a report, in such form as may be prescribed, from an accountant, certifying that the adjusted total income and the alternate minimum tax have been computed in accordance with the provisions of this Chapter and furnish such report on or before the due date of furnishing of return of income under sub-section (1) of section 139.'

Amendment of section 115JD.

49. In section 115JD of the Income-tax Act, in sub-section (1), for the words, figures and letters "a limited liability partnership under section 115JC shall be allowed to it", the words, figures and letters "a person under section 115JC shall be allowed to him" shall be substituted with effect from the 1st day of April, 2013.

**50.** In section 115JE of the Income-tax Act, for the words “a limited liability partnership”, the words “a person” shall be substituted with effect from the 1st day of April, 2013.

Amendment of Chapter 115JE.

**51.** After section 115JE of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

Insertion of new section 115JEE.

‘115JEE. (1) The provisions of this Chapter shall apply to a person who has claimed any deduction under—

Application of this Chapter to certain person.

(a) any section (other than section 80P) included in Chapter VI-A under the heading “C.—*Deductions in respect of certain incomes*”, or

(b) section 10AA.

(2) The provisions of this Chapter shall not apply to an individual or a Hindu undivided family or an association of persons or a body of individuals, whether incorporated or not, or an artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2, if the adjusted total income of such person does not exceed twenty lakh rupees.’.

**52.** In section 115JF of the Income-tax Act, with effect from the 1st day of April, 2013,—

Amendment of section 115JF.

(i) clause (c) shall be omitted;

(ii) in clause (d), for the words “a limited liability partnership on its total income”, the words “a person on his total income” shall be substituted.

**53.** In section 115-O of the Income-tax Act, in sub-section (1A), in clause (i), with effect from the 1st day of July, 2012,—

Amendment of section 115-O.

(i) in sub-clause (a), the word “and” shall be inserted at the end;

(ii) in sub-clause (b), for the words “paid tax under this section on such dividend; and”, the words “paid the tax which is payable under this section on such dividend:” shall be substituted;

(iii) sub-clause (c) shall be omitted.

**54.** In section 115U of the Income-tax Act,—

Amendment of section 115U.

(i) with effect from the 1st day of April, 2013,—

(a) in sub-section (1), for the words “income received”, at both the places where they occur, the words “income accruing or arising to or received” shall respectively be substituted;

(b) in sub-section (2),—

(i) for the words “The person responsible for making”, the words “The person responsible for crediting or making” shall be substituted;

(ii) for the words “to the person receiving such income”, the words “to the person who is liable to tax in respect of such income” shall be substituted;

(iii) for the words “income paid”, the words “income paid or credited” shall be substituted;

(c) in sub-section (3),—

(i) for the words “income paid”, the words “income paid or credited” shall be substituted;

(ii) for the words “the person receiving such income as it had been”, the words, brackets and figure “the person referred to in sub-section (1) as it had been” shall be substituted;

(iii) for the words “had accrued”, the words “had accrued or arisen” shall be substituted;

(d) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The income accruing or arising to or received by the venture capital company or venture capital fund, during a previous year, from investments made in venture capital undertaking if not paid or credited to the person referred to in sub-section (1), shall be deemed to have been credited to the account of the said person on the last day of the previous year in the same proportion in which such person would have been entitled to receive the income had it been paid in the previous year.”;

(ii) the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted with effect from the 1st day of July, 2012, namely:—

“*Explanation 2*.—For the removal of doubts, it is hereby declared that any income which has been included in total income of the person referred to in sub-section (1) in a previous year, on account of it having accrued or arisen in the said previous year, shall not be included in the total income of such person in the previous year in which such income is actually paid to him by the venture capital company or the venture capital fund.”.

Amendment  
of section  
115VG.

55. In section 115VG of the Income-tax Act, in sub-section (3), for the Table, the following Table shall be substituted with effect from the 1st day of April, 2013, namely:—

“TABLE

| Qualifying ship having net tonnage<br>(1) | Amount of daily tonnage income<br>(2)                               |
|---|---|
| up to 1,000                               | Rs. 70 for each 100 tons  |
| exceeding 1,000 but not more than 10,000  | Rs. 700 plus Rs. 53 for each 100 tons<br>exceeding 1,000 tons       |
| exceeding 10,000 but not more than 25,000 | Rs. 5,470 plus Rs. 42 for each 100 tons<br>exceeding 10,000 tons    |
| exceeding 25,000                          | Rs. 11,770 plus Rs. 29 for each 100 tons<br>exceeding 25,000 tons.” |

Amendment  
of section  
139.

56. In section 139 of the Income-tax Act, in sub-section (1),—

(a) after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that a person, being a resident, who is not required to furnish a return under this sub-section and who during the previous year has any asset (including any financial interest in any entity) located outside India or signing authority in any account located outside India, shall furnish, on or before the due date, a return in respect of his income or loss for the previous year in such form and verified in such manner and setting forth such other particulars as may be prescribed.”.

(b) in *Explanation 2*,—

(i) in clause (a),—

(A) after the words “the assessee”, the words, brackets and letters “other than an assessee referred to in clause (aa)” shall be inserted;

(B) in sub-clause (i), the words, brackets and letters “other than a company referred to in clause (aa)” shall be omitted;

(ii) in clause (aa), for the words “being a company, which”, the word “who” shall be substituted.

Amendment  
of section  
140A.

57. In section 140A of the Income-tax Act, with effect from the 1st day of April, 2013,—

(i) in sub-section (1), in clause (v), after the word, figures and letters “section 115JAA”, the words, figures and letters “or section 115JD” shall be inserted;

(ii) in sub-section (1A), in clause (i), in sub-clause (e), after the word, figures and letters “section 115JAA”, the words, figures and letters “or section 115JD” shall be inserted;

(iii) in sub-section (1B), in the *Explanation*, in clause (iv), after the word, figures and letters “section 115JAA”, the words, figures and letters “or section 115JD” shall be inserted.”.

**58.** In section 143 of the Income-tax Act,—

(a) after sub-section (1C), the following sub-section shall be inserted with effect from the 1st day of July, 2012, namely:—

“(ID) Notwithstanding anything contained in sub-section (1), the processing of a return shall not be necessary, where a notice has been issued to the assessee under sub-section (2).”.

(b) in sub-section (3), after the second proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2009, namely:—

“Provided also that notwithstanding anything contained in the first and the second proviso, no effect shall be given by the Assessing Officer to the provisions of clause (23C) of section 10 in the case of a trust or institution for a previous year, if the provisions of the first proviso to clause (15) of section 2 become applicable in the case of such person in such previous year, whether or not the approval granted to such trust or institution or notification issued in respect of such trust or institution has been withdrawn or rescinded.”.

**59.** After section 144B of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2013, namely:—

“144BA. (1) If, the Assessing Officer, at any stage of the assessment or reassessment proceedings before him having regard to the material and evidence available, considers that it is necessary to declare an arrangement as an impermissible avoidance arrangement and to determine the consequence of such an arrangement within the meaning of Chapter X-A, then, he may make a reference to the Commissioner in this regard.

(2) The Commissioner shall, on receipt of a reference under sub-section (1), if he is of the opinion that the provisions of Chapter X-A are required to be invoked, issue a notice to the assessee, setting out the reasons and basis of such an opinion, for submitting objections, if any, and providing an opportunity of being heard to the assessee within such period, not exceeding sixty days, as may be specified in the notice.

(3) If the assessee does not furnish any objection to the notice within the time specified in the notice issued under sub-section (2), the Commissioner shall issue such directions as it deems fit in respect of declaration of the arrangement to be an impermissible avoidance arrangement.

(4) In case the assessee objects to the proposed action, and the Commissioner, after hearing the assessee in the matter, is not satisfied by the explanation of the assessee, then, he shall make a reference in the matter to the Approving Panel for the purpose of declaration of the arrangement as an impermissible avoidance arrangement.

(5) If the Commissioner is satisfied, after having heard the assessee that the provisions of Chapter X-A are not to be invoked, he shall by an order in writing communicate the same to the Assessing Officer with a copy to the assessee.

(6) The Approving Panel, on receipt of reference from the Commissioner under sub-section (4) shall issue such directions, as it deems fit, in respect of the declaration of the arrangement as an impermissible avoidance arrangement in accordance with the provisions of Chapter X-A including specifying the previous year or years to which such declaration of an arrangement as an impermissible avoidance arrangement shall apply.

(7) No direction under sub-section (6) shall be issued unless an opportunity of being heard is given to the assessee and the Assessing Officer on such directions which are prejudicial to the interest of the assessee or the interest of the revenue, as the case may be.

(8) The Approving Panel may, before issuing any direction under sub-section (6),—

(i) if it is of the opinion that any further inquiry in the matter is necessary, direct the Commissioner to make such further inquiry or cause to make such further inquiry to be made by any other income-tax authority and furnish a report containing the results of such inquiry to it; or

(ii) call for and examine such records related to the matter as it deems fit; or

(iii) require the assessee to furnish such document and evidence as it may so direct.

Amendment  
of section  
143

Insertion of  
new section  
144BA.

Reference to  
Commissioner  
in certain  
cases.

(9) If the members of the Approving Panel differ in opinion on any point, the point shall be decided according to the opinion of the majority of the members.

(10) Every direction, issued by the Approving Panel under sub-section (6) or the Commissioner under sub-section (3), shall be binding on the Assessing Officer and the Assessing Officer on receipt of the directions shall proceed to complete the proceedings referred to in sub-section (1) in accordance with the directions and provisions of Chapter X-A.

(11) If any direction issued under sub-section (6) specifies that declaration of the arrangement as impermissible avoidance arrangement is applicable for any previous year to which the proceeding referred to in sub-section (1) pertains, then, the Assessing Officer while completing any assessment or reassessment proceedings of the assessment year relevant to such other previous year shall do so in accordance with such directions and the provisions of Chapter X-A and it shall not be necessary for him to seek fresh direction on the issue for the relevant assessment year.

(12) No order of assessment or reassessment shall be passed by the Assessing Officer without the prior approval of the Commissioner if any tax consequences have been determined in the order under the provisions of Chapter X-A pursuant to a direction issued under sub-section (6) or sub-section (3) declaring the arrangement as impermissible avoidance arrangement.

(13) No direction under sub-section (6) shall be issued after a period of six months from the end of the month in which the reference under sub-section (4) was received by the Approving Panel.

(14) The Board shall, for the purposes of this section, constitute an Approving Panel consisting of not less than three members being the income tax authorities of the rank of Commissioner and above.

(15) The Board may make rules for the purposes of the efficient functioning of the Approving Panel and expeditious disposal of the references received under sub-section (4).".

Amendment  
of section  
144C.

60. In section 144C of the Income-tax Act,—

(a) in sub-section (4), for the words and figures “in section 153”, the words, figures and letter “in section 153 or section 153B” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 2009;

(b) after sub-section (8), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2009, namely:—

“*Explanation.*—For the removal of doubts, it is hereby declared that the power of the Dispute Resolution Panel to enhance the variation shall include and shall be deemed always to have included the power to consider any matter arising out of the assessment proceedings relating to the draft order, notwithstanding that such matter was raised or not by the eligible assessee.”;

(c) in sub-section (13), for the words and figures “in section 153”, the words, figures and letter “in section 153 or section 153B” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 2009;

(d) after sub-section (14), the following sub-section shall be inserted with effect from the 1st day of April, 2013, namely:—

“(14A) The provisions of this section shall not apply to any assessment or reassessment order passed by the Assessing Officer with the prior approval of the Commissioner under sub-section (12) of section 144BA.”.

Amendment  
of section 147.

61. In section 147 of the Income-tax Act, with effect from the 1st day of July, 2012—

(i) after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that nothing contained in the first proviso shall apply in a case where any income in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment for any assessment year.”;

(ii) in the second proviso, for the words "Provided further", the words "Provided also" shall be substituted;

(iii) in *Explanation 2*,—

(I) after clause (b), the following clause shall be inserted, namely:—

"(ba) where the assessee has failed to furnish a report in respect of any international transaction which he was so required under section 92E;".

(II) after clause (c), the following clause shall be inserted, namely:—

"(d) where a person is found to have any asset (including financial interest in any entity) located outside India.";

(iv) after *Explanation 3*, the following *Explanation* shall be inserted, namely:—

*Explanation 4*.—For the removal of doubts, it is hereby clarified that the provisions of this section, as amended by the Finance Act, 2012, shall also be applicable for any assessment year beginning on or before the 1st day of April, 2012.".

62. In section 149 of the Income-tax Act, with effect from the 1st day of July, 2012,—

Amendment  
of section  
149.

(A) in sub-section (1),—

(i) in clause (a), after the word, brackets and letter "clause (b)", the words, brackets and letter "or clause (c)" shall be inserted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) if four years, but not more than sixteen years, have elapsed from the end of the relevant assessment year unless the income in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment.";

(B) in sub-section (3), for the words "two years", the words "six years" shall be substituted;

(C) after sub-section (3), the following *Explanation* shall be inserted, namely:—

*Explanation*.—For the removal of doubts, it is hereby clarified that the provisions of sub-sections (1) and (3), as amended by the Finance Act, 2012, shall also be applicable for any assessment year beginning on or before the 1st day of April, 2012.".

63. In section 153 of the Income-tax Act,—

Amendment  
of section  
153.

(A) with effect from the 1st day of July, 2012,—

(i) in sub-section (1),—

(a) in the first proviso, for the words, figures and letters "on the 1st day of April, 2004 or any subsequent assessment year", the words, figures and letters "on or after the 1st day of April, 2004 but before the 1st day of April, 2010" shall be substituted;

(b) in the second proviso, for the words, figures and letters "on the 1st day of April, 2005 or any subsequent assessment year", the words, figures and letters "on or after the 1st day of April, 2005 but before the 1st day of April, 2009" shall be substituted;

(c) after the second proviso, the following proviso shall be inserted, namely:—

'Provided also that in case the assessment year in which the income was first assessable is the assessment year commencing on the 1st day of April, 2009 or any subsequent assessment year and during the course of the proceeding for the assessment of total income, a reference under sub-section (1) of section 92CA—

(i) is made before the 1st day of July, 2012, but an order under sub-section (3) of that section has not been made before such date; or

(ii) is made on or after the 1st day of July, 2012,

the provisions of clause (a) shall, notwithstanding anything contained in the first proviso, have effect as if for the words "two years", the words "three years" had been substituted';

(ii) in sub-section (2),—

(a) in the second proviso, after the words, figures and letters “on or after the 1st day of April, 2005”, the words, figures and letters “but before the 1st day of April, 2011” shall be inserted;

(b) in the third proviso, after the words, figures and letters “the 1st day of April, 2006”, the words, figures and letters “but before the 1st day of April, 2010” shall be inserted;

(c) after the third proviso, the following proviso shall be inserted, namely:—

‘Provided also that where the notice under section 148 was served on or after the 1st day of April, 2010 and during the course of the proceedings for the assessment or reassessment or recomputation of total income, a reference under sub-section (1) of section 92CA—

(i) is made before the 1st day of July, 2012, but an order under sub-section (3) of that section has not been made before such date; or

(ii) is made on or after the 1st day of July, 2012,

the provisions of this sub-section shall, notwithstanding anything contained in the second proviso, have effect as if for the words “one year”, the words “two years” had been substituted;’;

(iii) in sub-section (2A),—

(a) in the second proviso, after the words, figures and letters “the 1st day of April, 2005”, the words, figures and letters “but before the 1st day of April, 2011” shall be inserted;

(b) in the third proviso, after the words, figures and letters “the 1st day of April, 2006”, the words, figures and letters “but before the 1st day of April, 2010” shall be inserted;

(c) after the third proviso, the following proviso shall be inserted, namely:—

‘Provided also that where the order under section 254 is received by the Chief Commissioner or Commissioner or, as the case may be, the order under section 263 or section 264 is passed by the Commissioner on or after the 1st day of April, 2010, and during the course of the proceedings for the fresh assessment of total income, a reference under sub-section (1) of section 92CA—

(i) is made before the 1st day of July, 2012, but an order under sub-section (3) of section 92CA has not been made before such date; or

(ii) is made on or after the 1st day of July, 2012,

the provisions of this sub-section shall, notwithstanding anything contained in the second proviso, have effect as if for the words “one year”, the words “two years” had been substituted;’;

(B) in *Explanation 1*,—

(a) in clause (viii), for the words “six months”, the words “one year” shall be substituted with effect from the 1st day of July, 2012;

(b) after clause (viii) and before the words “shall be excluded”, the following clause shall be inserted with effect from the 1st day of April, 2013, namely:—

“(ix) the period commencing from the date on which a reference for declaration of an arrangement to be impermissible avoidance arrangement is received by the Commissioner under sub-section (1) of section 144BA and ending on the date on which a direction under sub-section (3) or sub-section (6) or an order under sub-section (5) of the said section is received by the Assessing Officer.”.

64. In section 153A of the Income-tax Act, in sub-section (1), after the second proviso, the following proviso shall be inserted with effect from the 1st day of July, 2012, namely:—

“Provided also that the Central Government may by rules made by it and published in the Official Gazette (except in cases where any assessment or reassessment has abated under the second proviso), specify the class or classes of cases in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made.”.

65. In section 153B of the Income-tax Act,—

(I) in sub-section (I) with effect from the 1st day of July, 2012,—

Amendment  
of section  
153B.

(i) in the second proviso, for the words, figures and letters “on the 1st day of April, 2004 or any subsequent financial year”, the words, figures and letters “on or after the 1st day of April, 2004 but before the 1st day of April, 2010” shall be substituted;

(ii) in the third proviso for the words, figures and letters “on the 1st day of April, 2005 or any subsequent financial year”, the words, figures and letters “on or after the 1st day of April, 2005 but before the 1st day of April, 2009” shall be substituted;

(iii) after the third proviso, the following proviso shall be inserted, namely:—

‘Provided also that in case where the last of the authorisations for search under section 132 or for requisition under section 132A was executed during the financial year commencing on the 1st day of April, 2009 or any subsequent financial year and during the course of the proceedings for the assessment or reassessment of total income, a reference under sub-section (I) of section 92CA—

(i) was made before the 1st day of July, 2012, but an order under sub-section (3) of section 92CA has not been made before such date; or

(ii) is made on or after the 1st day of July, 2012,

the provisions of clause (a) or clause (b) of this sub-section, shall, notwithstanding anything contained in clause (i) of the second proviso, have effect as if for the words “two years”, the words “three years” had been substituted.’.

(iv) in the fourth proviso for the words, figures and letters “on the 1st day of April, 2005 or any subsequent financial year”, the words, figures and letters “on or after the 1st day of April, 2005 but before the 1st day of April, 2009” shall be substituted;

(v) after the fourth proviso, the following proviso shall be inserted, namely:—

‘Provided also that in case where the last of the authorisations for search under section 132 or for requisition under section 132A was executed during the financial year commencing on the 1st day of April, 2009 or any subsequent financial year and during the course of proceedings for the assessment or reassessment of total income in case of other person referred to in section 153C, a reference under sub-section (I) of section 92CA—

(i) was made before the 1st day of July, 2012 but an order under sub-section (3) of section 92CA has not been made before such date; or

(ii) is made on or after the 1st day of July, 2012,

the period of limitation for making the assessment or reassessment in case of such other person shall, notwithstanding anything contained in clause (ii) of the second proviso, be the period of thirty-six months from the end of the financial year in which the last of the authorisations for search under section 132 or for requisition under section 132A was executed or twenty-four months from the end of the financial year in which books of account or documents or assets seized or requisitioned are handed over under section 153C to the Assessing Officer having jurisdiction over such other person, whichever is later.”;

(II) in the *Explanation*,—

(a) in clause (viii), for the words “six months”, the words “one year” shall be substituted with effect from the 1st day of July, 2012;

(b) after clause (viii) and before the words “shall be excluded”, the following clause shall be inserted with effect from the 1st day of April, 2013, namely:—

“(ix) the period commencing from the date on which a reference for declaration of an arrangement to be impermissible avoidance arrangement is received by the Commissioner under sub-section (I) of section 144BA and ending on the date on which a direction under sub-section (3) or sub-section (6) or an order under sub-section (5) of the said section is received by the Assessing Officer.”.

Amendment of  
section 153C.

66. In section 153C of the Income-tax Act, in sub-section (1), after the proviso, the following proviso shall be inserted with effect from the 1st day of July, 2012, namely:—

“Provided further that the Central Government may by rules made by it and published in the Official Gazette, specify the class or classes of cases in respect of such other person, in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made except in cases where any assessment or reassessment has abated.”.

Amendment of  
section 154.

67. In section 154 of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(c) amend any intimation under sub-section (1) of section 200A.”;

(b) in sub-section (2), in clause (b), for the words “by the assessee”, the words “by the assessee or by the deductor,” shall be substituted;

(c) in sub-section (3), for the words “the assessee”, wherever they occur, the words “the assessee or the deductor” shall respectively be substituted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Where any such amendment has the effect of reducing the assessment or otherwise reducing the liability of the assessee or the deductor, the Assessing Officer shall make any refund which may be due to such assessee or the deductor.”;

(e) in sub-section (6), for the words “already made, the Assessing Officer shall serve on the assessee”, the words “already made or otherwise increasing the liability of the assessee or the deductor, the Assessing Officer shall serve on the assessee or the deductor, as the case may be” shall be substituted;

(f) in sub-section (8), for the words “by the assessee”, the words “by the assessee or by the deductor” shall be substituted.

Amendment of  
section 156.

68. In section 156 of the Income-tax Act, for the proviso, the following proviso shall be substituted with effect from the 1st day of July, 2012, namely:—

“Provided that where any sum is determined to be payable by the assessee or by the deductor under sub-section (1) of section 143 or sub-section (1) of section 200A, the intimation under those sub-sections shall be deemed to be a notice of demand for the purposes of this section.”.

Amendment of  
section 193.

69. In section 193 of the Income-tax Act, in the proviso, for clause (v), the following clause shall be substituted with effect from the 1st day of July, 2012, namely:—

“(v) any interest payable to an individual or a Hindu undivided family, who is resident in India, on any debenture issued by a company in which the public are substantially interested, if—

(a) the amount of interest or, as the case may be, the aggregate amount of such interest paid or likely to be paid on such debenture during the financial year by the company to such individual or Hindu undivided family does not exceed five thousand rupees; and

(b) such interest is paid by the company by an account payee cheque.”.

Amendment of  
section 194E.

70. In section 194E of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) after the words and brackets “is payable to a non-resident sportsman (including an athlete)”, the words “or an entertainer,” shall be inserted;

(b) for the words “ten per cent.”, the words “twenty per cent.” shall be substituted.

71. In section 194J of the Income-tax Act, in sub-section (1), after clause (b), the following clause shall be inserted with effect from the 1st day of July, 2012, namely:—

Amendment of section 194J.

“(ba) any remuneration or fees or commission by whatever name called, other than those on which tax is deductible under section 192, to a director of a company; or”.

72. In section 194LA of the Income-tax Act, in the proviso, for the words “one hundred thousand rupees”, the words “two hundred thousand rupees” shall be substituted with effect from the 1st day of July, 2012.

Amendment of section 194LA.

73. After section 194LA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of October, 2012, namely:—

Amendment of section 194LAA.

“194LAA. (1) Any person, being a transferee, responsible for paying (other than the person referred to in section 194LA) to a resident transferor any sum by way of consideration for transfer of any immovable property (other than agricultural land), shall, at the time of credit of such sum to the account of the transferor or at the time of payment of such sum in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct an amount equal to one per cent. of such sum as income-tax thereon.

Payment on transfer of certain immovable property other than agricultural land.

(2) No deduction under sub-section (1) shall be made where consideration paid or payable for the transfer of an immovable property is less than fifty lakh rupees in case such immovable property is situated in a specified area, or is less than twenty lakh rupees in case such immovable property is situated in any area other than the specified area.

(3) Where the consideration paid or payable for the transfer of an immovable property is less than the value adopted or assessed or assessable by any authority of a State Government for the purpose of payment of stamp duty in respect of transfer of such immovable property, the value so adopted or assessed or assessable shall, for the purposes of sub-section (1) or sub-section (2), be deemed to be the consideration paid or payable for the transfer of such immovable property.

16 of 1908.

(4) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (a) to clause (e) of sub-section (1) or sub-section (1A) of section 17 of the Indian Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person to or in any immovable property and in respect of which tax is required to be deducted under sub-section (1), no registering officer shall register any such document, unless the transferee furnishes the proof of deduction of income-tax in accordance with the provisions of this section and payment of sum so deducted to the credit of the Central Government in the prescribed form.

(5) The provisions of section 203A shall not apply to a person required to deduct tax in accordance with the provisions of this section.

*Explanation.*—For the purposes of this section,—

(a) “agricultural land” means agricultural land in India, not being land situated in any area referred to in items (a) and (b) of sub-clause (iii) of clause (14) of section 2;

(b) “immovable property” means any land (other than agricultural land) or any building or part of a building;

(c) “specified area” shall mean an area comprising—

(i) Greater Mumbai urban agglomeration;

(ii) Delhi urban agglomeration;

(iii) Kolkata urban agglomeration;

(iv) Chennai urban agglomeration;

(v) Hyderabad urban agglomeration;

(vi) Bangalore urban agglomeration;

- (vii) Ahmedabad urban agglomeration;
- (viii) District of Faridabad;
- (ix) District of Gurgaon;
- (x) District of Gautam Budh Nagar;
- (xi) District of Ghaziabad;
- (xii) District of Gandhinagar; and
- (xiii) City of Secunderabad;

(d) the area comprising an urban agglomeration shall be the area included in such urban agglomeration on the basis of the 2001 census.”

Insertion of new section 194C.

Income by way of interest from Indian company engaged in certain business.

74. After section 194LB of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2012, namely:—

‘194LC. (1) Where any income by way of interest referred to in sub-section (2) is payable to a non-resident, not being a company or to a foreign company by a specified company, the person responsible for making the payment, shall at the time of credit of such income to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct the income-tax thereon at the rate of five per cent.

(2) The interest referred to in sub-section (1) shall be the income by way of interest payable by the specified company,—

(i) in respect of monies borrowed by it at any time on or after the 1st day of July, 2012 but before the 1st day of July, 2015 in foreign currency, from a source outside India under a loan agreement approved by the Central Government in this behalf; and

(ii) to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan and its repayment.

*Explanation.*—For the purpose of this section—

(a) “foreign currency” shall have the meaning assigned to it in clause (m) of section 2 of the Foreign Exchange Management Act, 1999;

42 of 1999.

(b) “specified company” means an Indian company engaged in the business of—

- (i) generation or distribution or transmission of power; or
- (ii) operation of aircraft; or
- (iii) manufacture or production of fertilizers; or
- (iv) construction of road including toll road or bridge; or
- (v) construction of port including inland port; or
- (vi) construction of ships in a shipyard; or
- (vii) construction of dam; or
- (viii) developing and building a housing project as referred to in sub-clause (vii) of clause (c) of sub-section (8) of section 35AD.’.

Amendment of section 195.

75. In section 195 of the Income-tax Act,—

(a) in sub-section (1),—

(i) for the words “any interest”, the words, brackets, figures and letters “any interest (not being interest referred to in section 194LB or section 194LC)” shall be substituted;

(ii) the *Explanation* shall be numbered as *Explanation 1* thereof, and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1962, namely:—

“*Explanation 2.*—For the removal of doubts, it is hereby clarified that the obligation to comply

with sub-section (1) and to make deduction thereunder applies and shall be deemed to have always applied and extends and shall be deemed to have always extended to all persons, resident or non-resident, whether or not the non-resident person has—

(i) a residence or place of business or business connection in India; or

(ii) any other presence in any manner whatsoever in India.”;

(b) after sub-section (6), the following sub-section shall be inserted with effect from the 1st day of July, 2012, namely:—

“(7) Notwithstanding anything contained in sub-section (1) and sub-section (2), the Board may, by notification in the Official Gazette, specify a class of persons or cases, where the person responsible for paying to a non-resident, not being a company, or to a foreign company, any sum, whether or not chargeable under the provisions of this Act, shall make an application to the Assessing Officer to determine, by general or special order, the appropriate proportion of sum chargeable, and upon such determination, tax shall be deducted under sub-section (1) on that proportion of the sum which is so chargeable.”.

76. In section 197A of the Income-tax Act, in sub-section (1C), for the words “sixty-five years”, the words “sixty years” shall be substituted with effect from the 1st day of July, 2012.

Amendment of section 197A.

77. In section 201 of the Income-tax Act,—

Amendment of section 201.

(A) with effect from the 1st day of July, 2012,—

(i) in sub-section (1),—

(a) before the proviso, the following proviso shall be inserted, namely:—

“Provided that any person, including the principal officer of a company, who fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the account of a resident shall not be deemed to be an assessee in default in respect of such tax if such resident—

(i) has furnished his return of income under section 139;

(ii) has taken into account such sum for computing income in such return of income; and

(iii) has paid the tax due on the income declared by him in such return of income,

and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed.”;

(b) in the proviso, for the words “Provided that”, the words “Provided further that” shall be substituted;

(ii) after sub-section (1A), the following proviso shall be inserted, namely:—

“Provided that in case any person, including the principal officer of a company fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the account of a resident but is not deemed to be an assessee in default under the first proviso of sub-section (1), the interest under clause (i) shall be payable from the date on which such tax was deductible to the date of furnishing of return of income by such resident.”;

(B) in sub-section (3), in clause (ii), for the words “four years”, the words “six years” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2010;

(C) after sub-section (4), the following *Explanation* shall be inserted with effect from the 1st day of July, 2012, namely:—

“*Explanation.*—For the purposes of this section, the expression “accountant” shall have the meaning assigned to it in the *Explanation* to sub-section (2) of section 288.”.

Amendment of  
section 204.

78. In section 204 of the Income-tax Act, after clause (iii) and before the *Explanation*, the following clause shall be inserted with effect from the 1st day of July, 2012, namely:—

“(iv) in the case of credit, or as the case may be, payment of any sum chargeable under the provisions of this Act made by or on behalf of the Central Government or the Government of a State, the drawing and disbursing officer or any other person, by whatever name called, responsible for crediting, or as the case may be, paying such sum.”.

Amendment of  
section 206C.

79. In section 206C of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) in sub-section (1), in the Table, after serial number (vi) and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

| Sl.No. | Nature of goods                             | Percentage      |
|--------|---|-----------------|
| (1)    | (2)   | (3)             |
| “(vii) | Minerals, being coal or lignite or iron ore | one per cent.”; |

(b) after sub-section (1C), the following sub-section shall be inserted, namely:—

“(1D) Every person, being a seller, who receives any amount in cash as consideration for sale of bullion or jewellery, shall, at the time of receipt of such amount in cash, collect from the buyer, a sum equal to one per cent. of sale consideration as income-tax, if the sale consideration exceeds two hundred thousand rupees.”;

(c) in sub-section (2), after the words, brackets, figure and letter “or sub-section (1C)”, the words, brackets, figure and letter “or sub-section (1D)” shall be inserted;

(d) in sub-section (3), after the words, brackets, figure and letter “or sub-section (1C)”, the words, brackets, figure and letter “or sub-section (1D)” shall be inserted;

(e) in sub-section (6A),—

(A) before the proviso, the following proviso shall be inserted, namely:—

“Provided that any person, other than a person referred to in sub-section (1D), responsible for collecting tax in accordance with the provisions of this section, who fails to collect the whole or any part of the tax on the amount received from a buyer or licensee or lessee or on the amount debited to the account of the buyer or licensee or lessee shall not be deemed to be an assessee in default in respect of such tax if such buyer or licensee or lessee—

(i) has furnished his return of income under section 139;

(ii) has taken into account such amount for computing income in such return of income; and

(iii) has paid the tax due on the income declared by him in such return of income,

and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed.”;

(B) in the proviso, for the words “Provided that”, the words “Provided further that” shall be substituted;

(f) in sub-section (7), the following proviso shall be inserted, namely:—

“Provided that in case any person, other than a person referred to in sub-section (1D), responsible for collecting tax in accordance with the provisions of this section, fails to collect the whole or any part of the tax on the amount received from a buyer or licensee or lessee or on the amount debited to the account of the buyer or licensee or lessee but is not deemed to be an assessee in default under the first proviso of sub-section (6A), the interest shall be payable from the date on which such tax was collectible to the date of furnishing of return of income by such buyer or licensee or lessee.”;

(g) in sub-section (9), after the words, brackets, figure and letter "or sub-section (1C)" at both the places where they occur, the words, brackets, figure and letter "or sub-section (1D)" shall be inserted;

(h) in the *Explanation*, occurring at the end,—

(I) for clause (a), the following clauses shall be substituted, namely:—

(a) "accountant" shall have the meaning assigned to it in the *Explanation* to sub-section (2) of section 288;

(aa) "buyer" with respect to—

(i) sub-section (1) means a person who obtains in any sale, by way of auction, tender or any other mode, goods of the nature specified in the Table in sub-section (1) or the right to receive any such goods but does not include,—

(A) a public sector company, the Central Government, a State Government, and an embassy, a High Commission, legation, commission, consulate and the trade representation, of a foreign State and a club; or

(B) a buyer in the retail sale of such goods purchased by him for personal consumption;

(ii) sub-section (1D) means a person who obtains in any sale, goods of the nature specified in the said sub-section;

(ab) "jewellery" shall have the meaning assigned to it in the *Explanation* to sub-clause (ii) of clause (14) of section 2.;

(II) in clause (c), after the words, brackets and figure "in sub-section (1)", the words, brackets, figure and letter "or sub-section (1D)" shall be inserted.

80. Section 207 of the Income-tax Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment of section 207.

"(2) The provisions of sub-section (1) shall not apply to an individual resident in India, who—

(a) does not have any income chargeable under the head "Profits and gains of business or profession"; and

(b) is of the age of sixty years or more at any time during the previous year."

81. In section 209 of the Income-tax Act, in sub-section (1), in clause (d), the following proviso shall be inserted, namely:—

Amendment of section 209.

"Provided that for computing liability for advance tax, income-tax calculated under clause (a) or clause (b) or clause (c) shall not, in each case, be reduced by the aforesaid amount of income-tax which would be deductible or collectible at source during the said financial year under any provision of this Act from any income, if the person responsible for deducting tax has paid or credited such income without deduction of tax or it has been received or debited by the person responsible for collecting tax without collection of such tax."

82. In section 234A of the Income-tax Act, in sub-section (1), in clause (vi), after the word, figures and letters "section 115JAA", the words, figures and letters "or section 115JD" shall be inserted with effect from the 1st day of April, 2013.

Amendment of section 234A.

83. In section 234B of the Income-tax Act, in sub-section (1), in *Explanation* 1, in clause (v), after the word, figures and letters "section 115JAA", the words, figures and letters "or section 115JD" shall be inserted with effect from the 1st day of April, 2013.

Amendment of section 234B.

84. In section 234C of the Income-tax Act, in sub-section (1), in the *Explanation*, in clause (v), after the word, figures and letters "section 115JAA", the words, figures and letters "or section 115JD" shall be inserted with effect from the 1st day of April, 2013.

Amendment of section 234C.

85. In section 234D of the Income-tax Act, the *Explanation* shall be numbered as *Explanation* 1 thereof and after *Explanation* 1 as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2003, namely:—

Amendment of section 234D.

*“Explanation 2.—For the removal of doubts, it is hereby declared that the provisions of this section shall also apply to an assessment year commencing before the 1st day of June, 2003 if the proceedings in respect of such assessment year is completed after the said date.”*

Insertion of  
new section  
234E.

86. After section 234D of the Income-tax Act, the following sub-heading and section shall be inserted with effect from the 1st day of July, 2012, namely:—

*“G.—Levy of fee in certain cases*

Fee for defaults  
in furnishing  
statements.

234E. (1) Without prejudice to the provisions of the Act, where a person fails to deliver or cause to be delivered a statement within the time prescribed in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C, he shall be liable to pay, by way of fee, a sum of two hundred rupees for every day during which the failure continues.

(2) The amount of fee referred to in sub-section (1) shall not exceed the amount of tax deductible or collectible, as the case may be.

(3) The amount of fee referred to in sub-section (1) shall be paid before delivering or causing to be delivered a statement in accordance with sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C.

(4) The provisions of this section shall apply to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.”.

Amendment of  
section 245C.

87. In section 245C of the Income-tax Act, in sub-section (1), in the proviso, in the *Explanation*, in clause (b), for the words “at any time during the previous year”, at both the places where they occur, the words “on the date of search” shall respectively be substituted with effect from the 1st day of July, 2012.

Amendment of  
section 245Q.

88. In section 245Q of the Income-tax Act, in sub-section (2), for the words “two thousand five hundred rupees”, the words “ten thousand rupees or such fee as may be prescribed in this behalf, whichever is higher” shall be substituted with effect from the 1st day of July, 2012.

Amendment of  
section 246A.

89. In section 246A of the Income-tax Act, in sub-section (1),—

(i) for the words “Any assessee aggrieved”, the words “Any assessee or any deductor aggrieved” shall be substituted with effect from the 1st day of July, 2012;

(ii) in clause (a),—

(I) for the words and figures “section 143, where the assessee objects”, the words, figures, brackets and letter “section 143 or sub-section (1) of section 200A, where the assessee or the deductor objects” shall be substituted with effect from the 1st day of July, 2012;

(II) for the words “except an order passed in pursuance of directions of the Dispute Resolution Panel”, the brackets, words, figures and letters “[except an order passed in pursuance of directions of the Dispute Resolution Panel or an order referred to in sub-section (12) of section 144BA]” shall be substituted with effect from the 1st day of April, 2013;

(iii) in clause (b), for the words “except an order passed in pursuance of directions of the Dispute Resolution Panel”, the brackets, words, figures and letters “[except an order passed in pursuance of directions of the Dispute Resolution Panel or an order referred to in sub-section (12) of section 144BA]” shall be substituted with effect from the 1st day of April, 2013;

(iv) in clause (ba),—

(I) for the words, figures and letter “under section 153A”, the words, figures, letter and brackets “under section 153A [except an order passed in pursuance of directions of the Dispute Resolution Panel]” shall be substituted with effect from the 1st day of October, 2009;

(II) for the words “Dispute Resolution Panel”, the words, brackets, figures and letter, “Dispute Resolution Panel or an order referred to in sub-section (12) of section 144BA” shall be substituted with effect from the 1st day of April, 2013;

(v) after clause (ba), the following clause shall be inserted with effect from the 1st day of July, 2012, namely:—

“(bb) an order of assessment or reassessment under sub-section (3) of section 92CD;”;

(vi) in clause (c), after the words “either of the said sections”, the words, brackets, figures and letters “except where it is in respect of an order referred to in sub-section (12) of section 144BA” shall be inserted with effect from the 1st day of April, 2013.

(vii) in clause (j), in sub-clause (B), after the word, figures and letters “section 271AAA”, the word, figures and letters, “section 271AAB” shall be inserted with effect from the 1st day of July, 2012.

**90. In section 253 of the Income-tax Act,—**

Amendment of  
Section 253.

(A) in sub-section (1),—

52 of 1962.

(i) in clause (d), for the word and figures “section 147”, the words, figures and letters “section 147 or section 153A or section 153C” shall be substituted with effect from the 1st day of October, 2009;

(ii) after clause (d), the following clause shall be inserted with effect from the 1st day of April, 2013, namely:—

“(e) an order passed by an Assessing Officer under sub-section (3) of section 143 or section 147 or section 153A or section 153C with the approval of the Commissioner as referred to in sub-section (12) of section 144BA or an order passed under section 154 or section 155 in respect of such order;”;

(B) with effect from the 1st day of July, 2012,—

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The Commissioner may, if he objects to any direction issued by the Dispute Resolution Panel under sub-section (5) of section 144C in respect of any objection filed on or after the 1st day of July, 2012, by the assessee under sub-section (2) of section 144C in pursuance of which the Assessing Officer has passed an order completing the assessment or reassessment, direct the Assessing Officer to appeal to the Appellate Tribunal against the order.”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Every appeal under sub-section (2A) shall be filed within sixty days of the date on which the order sought to be appealed against is passed by the Assessing Officer in pursuance of the directions of the Dispute Resolution Panel under sub-section (5) of section 144C.”;

(iii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Assessing Officer or the assessee, as the case may be, on receipt of notice that an appeal against the order of the Deputy Commissioner (Appeals) or, as the case may be, the Commissioner (Appeals) or the Assessing Officer in pursuance of the directions of the Dispute Resolution Panel has been preferred under sub-section (1) or sub-section (2) or sub-section (2A) by the other party, may, notwithstanding that he may not have appealed against such order or any part thereof, within thirty days of the receipt of the notice, file a memorandum of cross-objections, verified in the prescribed manner, against any part of the order of the Assessing Officer (in pursuance of the directions of the Dispute Resolution Panel) or Deputy Commissioner (Appeals) or, as the case may be, the Commissioner (Appeals), and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (3) or sub-section (3A).”.

**91. In section 254 of the Income-tax Act, in sub-section (2A), after the words, brackets and figures “under sub-section (1) or sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted with effect from the 1st day of July, 2012.**

Amendment of  
Section 254.

Amendment of section 271.

92. In section 271 of the Income-tax Act, in sub-section (1), in *Explanation 7*, for the words "international transaction", the words "international transaction or specified domestic transaction" shall be substituted with effect from the 1st day of April, 2013.

Substitution of new section for section 271AA.

93. For section 271AA of the Income-tax Act, the following section shall be substituted with effect from the 1st day of July, 2012, namely:—

"271AA. Without prejudice to the provisions of section 271 or section 271BA, if any person in respect of an international transaction,—

- (i) fails to keep and maintain any such information and document as required by sub-section (1) or sub-section (2) of section 92D;
- (ii) fails to report such transaction which he is required to do so; or
- (iii) maintains or furnishes an incorrect information or document,

the Assessing Officer or Commissioner (Appeals) may direct that such person shall pay, by way of penalty, a sum equal to two per cent. of the value of each international transaction entered into by such person.”.

Amendment of section 271AA.

94. In section 271AA of the Income-tax Act, as so substituted by section 93 of this Act, for the words "international transaction", the words "international transaction or specified domestic transaction" shall be substituted with effect from the 1st day of April, 2013.

Amendment of section 271AAA.

95. In section 271AAA of the Income-tax Act, in sub-section (1), after the words, figures and letters "on or after the 1st day of June, 2007", the words, figures and letters "but before the 1st day of July, 2012" shall be inserted.

Insertion of new section 271AAB.

Penalty where search has been initiated.

96. After section 271AAA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2012, namely:—

"271AAB. (1) The Assessing Officer may, notwithstanding anything contained in any other provisions of this Act, direct that, in a case where search has been initiated under section 132 on or after the 1st day of July, 2012, the assessee shall pay by way of penalty, in addition to tax, if any, payable by him,—

(a) a sum computed at the rate of ten per cent. of the undisclosed income of the specified previous year, if such assessee—

(i) in the course of the search, in a statement under sub-section (4) of section 132, admits the undisclosed income and specifies the manner in which such income has been derived;

(ii) substantiates the manner in which the undisclosed income was derived; and

(iii) on or before the specified date—

(A) pays the tax, together with interest, if any, in respect of the undisclosed income; and

(B) furnishes the return of income for the specified previous year declaring such undisclosed income therein;

(b) a sum computed at the rate of twenty per cent. of the undisclosed income of the specified previous year, if such assessee—

(i) in the course of the search, in a statement under sub-section (4) of section 132, does not admit the undisclosed income; and

(ii) on or before the specified date—

(A) declares such income in the return of income furnished for the specified previous year; and

(B) pays the tax, together with interest, if any, in respect of the undisclosed income;

(c) a sum which shall not be less than thirty per cent. but which shall not exceed ninety per cent. of the undisclosed income of the specified previous year, if it is not covered by the provisions of clauses (a) and (b).

(2) No penalty under the provisions of clause (c) of sub-section (1) of section 271 shall be imposed upon the assessee in respect of the undisclosed income referred to in sub-section (1).

(3) The provisions of sections 274 and 275 shall, as far as may be, apply in relation to the penalty referred to in this section.

*Explanation.*— For the purposes of this section,—

(a) “specified date” means the due date of furnishing of return of income under sub-section (1) of section 139 or the date on which the period specified in the notice issued under section 153A for furnishing of return of income expires, as the case may be;

(b) “specified previous year” means the previous year—

(i) which has ended before the date of search, but the date of furnishing the return of income under sub-section (1) of section 139 for such year has not expired before the date of search and the assessee has not furnished the return of income for the previous year before the date of search; or

(ii) in which search was conducted;

(c) “undisclosed income” means—

(i) any income of the specified previous year represented, either wholly or partly, by any money, bullion, jewellery or other valuable article or thing or any entry in the books of account or other documents or transactions found in the course of a search under section 132, which has—

(A) not been recorded on or before the date of search in the books of account or other documents maintained in the normal course relating to such previous year; or

(B) otherwise not been disclosed to the Chief Commissioner or Commissioner before the date of search;

(ii) any income of the specified previous year represented, either wholly or partly, by any entry in respect of an expense recorded in the books of account or other documents maintained in the normal course relating to the specified previous year which is found to be false and would not have been found to be so had the search not been conducted.’.

97. In section 271G of the Income-tax Act, for the words “international transaction”, at both the places where they occur, the words “international transaction or specified domestic transaction” shall respectively be substituted with effect from the 1st day of April, 2013.

Amendment of section 271G

98. After section 271G of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2012, namely:—

“271H. (1) Without prejudice to the provisions of the Act, a person shall be liable to pay penalty, if, he—

(a) fails to deliver or cause to be delivered a statement within the time prescribed in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C; or

(b) furnishes incorrect information in the statement which is required to be delivered or cause to be delivered under sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C.

Insertion of new section 271H.  
Penalty for failure to furnish statements, etc.

(2) The penalty referred to in sub-section (1) shall be a sum which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

(3) Notwithstanding anything contained in the foregoing provisions of this section, no penalty shall be levied for the failure referred to in clause (a) of sub-section (1), if the person proves that after paying tax deducted or collected along with the fee and interest, if any, to the credit of the Central Government, he had delivered or cause to be delivered the statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C before the expiry of a period of one year from the time prescribed for delivering or causing to be delivered such statement.

(4) The provisions of this section shall apply to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.”.

Amendment of section 272A.

99. In section 272A of the Income-tax Act, in sub-section (2), after the proviso, the following proviso shall be inserted with effect from the 1st day of July, 2012, namely:—

“Provided further that no penalty shall be levied under this section for the failure referred to in clause (k), if such failure relates to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.”.

Amendment of section 273B.

100. In section 273B of the Income-tax Act, after the word, figures and letter “section 271G”, the word, figures and letter “section 271H,” shall be inserted with effect from the 1st day of July, 2012.

Amendment of section 276C.

101. In section 276C of the Income-tax Act, with effect from the 1st day of July, 2012,—

(i) in sub-section (1),—

(a) in clause (i), for the words “one hundred thousand rupees”, the words “twenty-five hundred thousand rupees” shall be substituted;

(b) in clause (ii), for the words “three years”, the words “two years” shall be substituted;

(ii) in sub-section (2), for the words “three years”, the words “two years” shall be substituted.

Amendment of section 276CC.

102. In section 276CC of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) in clause (i), for the words “one hundred thousand rupees”, the words “twenty-five hundred thousand rupees” shall be substituted;

(b) in clause (ii), for the words “three years”, the words “two years” shall be substituted.

Amendment of section 277.

103. In section 277 of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) in clause (i), for the words “one hundred thousand rupees”, the words “twenty-five hundred thousand rupees” shall be substituted;

(b) in clause (ii), for the words “three years”, the words “two years” shall be substituted.

Amendment of section 277A.

104. In section 277A of the Income-tax Act, for the words “three years”, the words “two years” shall be substituted with effect from the 1st day of July, 2012.

Amendment of section 278.

105. In section 278 of the Income-tax Act, with effect from the 1st day of July, 2012,—

(a) in clause (i), for the words “one hundred thousand rupees”, the words “twenty-five hundred thousand rupees” shall be substituted;

(b) in clause (ii), for the words “three years”, the words “two years” shall be substituted.

Insertion of new sections 280A 280B, 280C and 280D. Special Courts.

106. In Chapter XXII of the Income-tax Act, after section 280, the following sections shall be inserted, with effect from the 1st day of July, 2012, namely:—

“280A.(1) The Central Government, in consultation with the Chief Justice of the High Court, may, for trial of offences punishable under this Chapter, by notification, designate one or more courts of Magistrates of the first class as Special Court for such area or areas or for such cases or class or group of cases as may be specified in the notification.

*Explanation.*— In this sub-section, “High Court” means the High Court of the State in which a Magistrate of first class designated as Special Court was functioning immediately before such designation.

(2) While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

Offences triable by Special Court.

280B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

2 of 1974.

(a) the offences punishable under this Chapter shall be triable only by the Special Court, if so designated, for the area or areas or for cases or class or group of cases, as the case may be, in which the offence has been committed:

Provided that a court competent to try offences under section 292,—

(i) which has been designated as a Special Court under this section, shall continue to try the offences before it or offences arising under this Act after such designation;

(ii) which has not been designated as a Special Court may continue to try such offence pending before it till its disposal;

(b) a Special Court may, upon a complaint made by an authority authorised in this behalf under this Act take cognizance of the offence for which the accused is committed for trial.

2 of 1974.

280C. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court, shall try, an offence under this Chapter punishable with imprisonment not exceeding two years or with fine or with both, as a summons case, and the provisions of the Code of Criminal Procedure, 1973 as applicable in the case of trial of summons case, shall apply accordingly.

Trial of offences as summons case.

2 of 1974.

280D.(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bails or bonds), shall apply to the proceedings before a Special Court and the person conducting the prosecution before the Special Court, shall be deemed to be a Public Prosecutor:

Application of Code of Criminal Procedure, 1973 to proceedings before Special Court.

Provided that the Central Government may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an advocate for not less than seven years, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and the provisions of that Code shall have effect accordingly.”.

2 of 1974.

107. After section 292C of the Income-tax Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely:—

Insertion of new section 292CC.

“292CC.(1) Notwithstanding anything contained in this Act,—

(i) it shall not be necessary to issue an authorisation under section 132 or make a requisition under section 132A separately in the name of each person;

Authorisation and assessment in case of search or requisition.

(ii) where an authorisation under section 132 has been issued or requisition under section 132A has been made mentioning therein the name of more than one person, the mention of such names of more than one person on such authorisation or requisition shall not be deemed to construe that it was issued in the name of an association of persons or body of individuals consisting of such persons.

(2) Notwithstanding that an authorisation under section 132 has been issued or requisition under section 132A has been made mentioning therein the name of more than one person, the assessment or reassessment shall be made separately in the name of each of the persons mentioned in such authorisation or requisition.”.

108. In section 296 of the Income-tax Act, after the word and figures “section 139”, the words, brackets, figures and letter “or third proviso to sub-section (1) of section 153A or second proviso to sub-section (1) of section 153C” shall be inserted with effect from the 1st day of July, 2012.

Amendment of section 296.

109. In section 2 of the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), in clause (ea), in sub-clause (i), in item (1), for the words “five lakh rupees”, the words “ten lakh rupees” shall be substituted with effect from the 1st day of April, 2013.

Amendment of section 2.

110. In section 17 of the Wealth-tax Act, with effect from the 1st day of July, 2012,—

Amendment of section 17.

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted and shall be deemed to have been inserted, namely:—

“Provided also that nothing contained in the first proviso shall apply in a case where any net wealth in relation to any asset (including financial interest in any entity) located outside India chargeable to tax, has escaped assessment for any assessment year.”;

(b) in sub-section (1A),—

(i) in clause (a), after the word, brackets and letter “clause (b)”, the words, brackets and letter “or clause (c)” shall be inserted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) if four years, but not more than sixteen years, have elapsed from the end of the relevant assessment year unless the net wealth in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment for any assessment year.”;

(iii) in the *Explanation*, after clause (b), the following clause shall be inserted, namely:—

“(c) where a person is found to have any asset (including financial interest in any entity) located outside India.”;

(iv) the *Explanation* shall be numbered as *Explanation 1* thereof, and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2*.—For the removal of doubts, it is hereby clarified that the provisions of this section, as amended by the Finance Act, 2012, shall also be applicable for any assessment year beginning on or before the 1st day of April, 2012.”.

Amendment of  
section 17A.

111. In section 17A of the Wealth-tax Act, with effect from the 1st day of July, 2012—

(i) in sub-section (1), in the second proviso, for the words, letters and figures “commencing on the 1st day of April, 2004 or any subsequent year”, the words, letters and figures “commencing on or after the 1st day of April, 2004 but before the 1st day of April, 2010” shall be substituted;

(ii) in sub-section (2), in the second proviso, for the words, letters and figures “after the 1st day of April, 2005”, the words, letters and figures “after the 1st day of April, 2005 but before the 1st day of April, 2011” shall be substituted;

(iii) in sub-section (3), in the second proviso, for the words, letters and figures “after the 1st day of April, 2005”, the words, letters and figures “after the 1st day of April, 2005 but before the 1st day of April, 2011” shall be substituted.

Amendment of  
section 45.

112. In section 45 of the Wealth-tax Act, after clause (j), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1957, namely:—

“(k) the Reserve Bank of India incorporated under the Reserve Bank of India Act, 1934.”.

2 of 1934.

Validation of  
demand, etc.,  
under Income-  
tax Act, 1961  
in certain  
cases.

113. Notwithstanding anything contained in any judgment, decree or order of any Court or Tribunal or any authority, all notices sent or purporting to have been sent, or taxes levied, demanded, assessed, imposed, collected or recovered or purporting to have been levied, demanded, assessed, imposed, collected or recovered under the provisions of Income-tax Act, 1961, in respect of income accruing or arising through or from the transfer of a capital asset situate in India in consequence of the transfer of a share or shares of a company registered or incorporated outside India or in consequence of an agreement, or otherwise, outside India, shall be deemed to have been validly made, and the notice, levy, demand, assessment, imposition, collection or recovery of tax shall be valid and shall be deemed always to have been valid and shall not be called in question on the ground that the tax was not chargeable or any ground including that it is a tax on capital gains arising out of transactions which have taken place outside India, and accordingly, any tax levied, demanded, assessed, imposed or deposited before the commencement of this Act and chargeable for a period prior to such commencement but not collected or recovered before such commencement, may be collected or recovered and appropriated in accordance with the provisions of the Income-tax Act, 1961 as amended by this Act, and the rules made thereunder and there shall be no liability or obligation to make any refund whatsoever.

43 of 1961.

CHAPTER IV  
INDIRECT TAXES  
*Customs*

|             |   |                                      |
|-------------|---|--------------------------------------|
| 52 of 1962. | <p><b>114.</b> In the Customs Act, 1962 (hereinafter referred to as the Customs Act), in section 2, in clause (10), after the words "to be a customs airport", the words, brackets and letters "and includes a place appointed under clause (aa) of that section to be an air freight station" shall be inserted.</p>   | Amendment of section 2.              |
|             | <b>115.</b> In section 7 of the Customs Act, in sub-section (1), in clause (aa), for the words "container depots", the words "container depots or air freight stations" shall be substituted.   | Amendment of section 7.              |
|             | <b>116.</b> After section 28AA of the Customs Act, the following section shall be inserted, namely:—  | Insertion of new section 28AAA.      |
|             | <p style="text-align: center;"><b>'28AAA. (1) Where an instrument issued to a person has been obtained by him by means of—</b></p> <p style="text-align: center;">(a) collusion; or<br/>(b) wilful misstatement; or<br/>(c) suppression of facts,</p>   | Recovery of duties in certain cases. |
| 22 of 1962. | <p>for the purposes of this Act or the Foreign Trade (Development and Regulation) Act, 1992, by such person or his agent or employee and such instrument is utilised under the provisions of this Act or the rules made or notifications issued thereunder, by a person other than the person to whom the instrument was issued, the duty relatable to such utilisation of instrument shall be deemed never to have been exempted or debited and such duty shall be recovered from the person to whom the said instrument was issued:</p> <p>Provided that the action relating to recovery of duty under this section against the person to whom the instrument was issued shall be without prejudice to an action against the importer under section 28.</p>   |                                      |
| 22 of 1962. | <p><i>Explanation 1.</i>— For the purposes of this sub-section, "instrument" means any scrip or authorisation or licence or certificate or such other document, by whatever name called, issued under the Foreign Trade (Development and Regulation) Act, 1992, with respect to a reward or incentive scheme or duty exemption scheme or duty remission scheme or such other scheme bestowing financial or fiscal benefits, which may be utilised under the provisions of this Act or the rules made or notifications issued thereunder.</p> <p><i>Explanation 2.</i>—The provisions of this sub-section shall apply to any utilisation of instrument so obtained by the person referred to in this sub-section on or after the date on which the Finance Bill, 2012 receives the assent of the President, whether or not such instrument is issued to him prior to the date of the assent.</p> <p>(2) Where the duty becomes recoverable in accordance with the provisions of sub-section (1), the person from whom such duty is to be recovered, shall, in addition to such duty, be liable to pay interest at the rate fixed by the Central Government under section 28 AA and the amount of such interest shall be calculated for the period beginning from the date of utilisation of the instrument till the date of recovery of such duty.</p> <p>(3) For the purposes of recovery under sub-section (2), the proper officer shall serve notice on the person to whom the instrument was issued requiring him to show cause, within a period of thirty days from the date of receipt of the notice, as to why the amount specified in the notice (excluding the interest) should not be recovered from him, and after giving that person an opportunity of being heard, and after considering the representation, if any, made by such person, determine the amount of duty or interest or both to be recovered from such person, not being in excess of the amount specified in the notice, and pass order to recover the amount of duty or interest or both and the person to whom the instrument was issued shall repay the amount so specified in the notice within a period of thirty days from the date of receipt of the said order, along with the interest due on such amount, whether or not the amount of interest is specified separately.</p> <p>(4) Where an order determining the duty has been passed under section 28, no order to recover that duty shall be passed under this section.</p> <p>(5) Where the person referred to in sub-section (3) fails to repay the amount within the period of thirty days specified therein, it shall be recovered in the manner laid down in sub-section (1) of section 142!.</p> |                                      |

Amendment of  
section 28BA.

**117.** In section 28BA of the Customs Act, in sub-section (1),—

(a) for the words, figures and letter "or section 28B", the words, figures and letters "or section 28AAA or section 28B" shall be substituted;

(b) for the words, brackets, figures and letter "or sub-section (2) of section 28B", the words, brackets, figures and letters "or sub-section (3) of section 28AAA or sub-section (2) of section 28B" shall be substituted.

Amendment of  
section 47.

**118.** In section 47 of the Customs Act, in sub-section (2),—

(a) in the first proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that the Central Government may, by notification in the Official Gazette, specify the class or classes of importers who shall pay such duty electronically:

Provided further that";

(b) in the second proviso, for the words "Provided further that", the words "Provided also that" shall be substituted.

Amendment of  
section 75A.

**119.** In section 75A of the Customs Act, in sub-section (2), for the word, figures and letters "section 28AB", the word, figures and letters "section 28AA" shall be substituted and shall be deemed to have been substituted with effect from the 8th day of April, 2011.

Amendment of  
section 104.

**120.** In section 104 of the Customs Act, for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

(3) Where an officer of customs has arrested any person under sub-section (1), for any offence (other than an offence punishable for a term of imprisonment of three years or more under section 135), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police station has, and is subject to, under the Code of Criminal Procedure, 1973. 2 of 1974.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act (except an offence punishable for a term of imprisonment of three years or more under section 135) shall be bailable. 2 of 1974.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act (except an offence punishable for a term of imprisonment of three years or more under section 135) shall be non-cognizable. 2 of 1974.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences punishable for a term of imprisonment of three years or more under section 135 shall be cognizable.". 2 of 1974.

Insertion of  
new section  
104A.

Bail for offence  
punishable for  
a term of  
imprisonment  
of three year or  
more under  
section 135 not  
to be granted  
without hearing  
public  
prosecutor.

**121.** After section 104 of the Customs Act, the following section shall be inserted, namely:—

"104A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of three years or more under section 135 shall be released on bail or on his own bond unless— 2 of 1974.

(i) the public prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the public prosecutor opposes the application, the Magistrate is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person who is under the age of eighteen years or is a woman or is sick or infirm, may be released on bail if the Magistrate so directs.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer shall, save as otherwise provided under this Act, investigate into an offence under this Act unless specifically authorised by the Central Government by a general or special order, and subject to such conditions as may be specified in the order.". 2 of 1974.

**122. In section 122 of the Customs Act,—**

- (i) in clause (b), for the words "two lakh", the words "five lakh" shall be substituted;
- (ii) in clause (c), for the words "ten thousand", the words "fifty thousand" shall be substituted.

Amendment of section 122.

**123. For section 138 of the Customs Act, the following section shall be substituted, namely:—**

Substitution of new section for section 138.

2 of 1974.

"138. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Chapter (other than the offence punishable for a term of imprisonment of three years or more under section 135) may be tried summarily by a Magistrate.".

Offences to be tried summarily.

**124. In section 153 of the Customs Act, in clause (a), for the words "registered post to the person for whom it is intended or to his agent", the words "registered post or by such courier as may be approved by the Commissioner of Customs" shall be substituted.**

Amendment of section 153.

51 of 1975.

**125. Notwithstanding anything contained in sub-section (1) of section 25 of the Customs Act, the item and its description specified under column (1) of the Second Schedule, falling under Chapter 89 of the First Schedule to the Customs Tariff Act, 1975, shall be and shall be deemed to have been exempted from the whole of the additional duty of customs leviable thereon under sub-section (1) of section 3 of the said Customs Tariff Act, on and from and up to the corresponding date specified in column (2) thereof.**

Special provisions exempting additional duty of customs on import of foreign-going vessels into India.

*Customs Tariff*

51 of 1975.

**126. In the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), in section 8C, in sub-section (5), for the proviso, the following proviso shall be substituted, namely:—**

Amendment of section 8C.

"Provided that if the Central Government is of the opinion that such article continues to be imported into India from the People's Republic of China so as to cause or threatening to cause market disruption to domestic industry, the Central Government may, notwithstanding the measures taken by the domestic industry towards adjustment to such market disruption or any threat arising thereof, if considers necessary that such duty should continue, extend the period of imposition of such safeguard duty for a period not beyond the period of ten years from the date on which the safeguard duty was first imposed.".

**127. The First Schedule to the Customs Tariff Act shall be amended in the manner specified in the Third Schedule.**

Amendment of First Schedule.

**128. The Second Schedule to the Customs Tariff Act shall be amended in the manner specified in the Fourth Schedule.**

Amendment of Second Schedule.

*Excise*

1 of 1944.

**129. In the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), in section 4, in sub-section (3), in clause (b), in the *Explanation*, for clause (i), the following clause shall be substituted, namely:—**

Amendment of section 4.

'(i) "inter-connected undertakings" means two or more undertakings which are inter-connected with each other in any of the following manners, namely:—

(A) if one owns or controls the other;

(B) where the undertakings are owned by firms, if such firms have one or more common partners;

(C) where the undertakings are owned by bodies corporate,—

(I) if one body corporate manages the other body corporate; or

(II) if one body corporate is a subsidiary of the other body corporate; or

(III) if the bodies corporate are under the same management; or

(IV) if one body corporate exercises control over the other body corporate in any other manner;

(D) where one undertaking is owned by a body corporate and the other is owned by a firm, if one or more partners of the firm,—

(I) hold, directly or indirectly, not less than fifty per cent. of the shares, whether preference or equity, of the body corporate; or

(II) exercise control, directly or indirectly, whether as director or otherwise, over the body corporate;

(E) if one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners, if such bodies corporate are under the same management;

(F) if the undertakings are owned or controlled by the same person or by the same group;

(G) if one is connected with the other either directly or through any number of undertakings which are inter-connected undertakings within the meaning of one or more of the foregoing sub-clauses.

*Explanation I.*— For the purposes of this clause, two bodies corporate shall be deemed to be under the same management,—

(i) if one such body corporate exercises control over the other or both are under the control of the same group or any of the constituents of the same group; or

(ii) if the managing director or manager of one such body corporate is the managing director or manager of the other; or

(iii) if one such body corporate holds not less than one-fourth of the equity shares in the other or controls the composition of not less than one-fourth of the total membership of the Board of directors of the other; or

(iv) if one or more directors of one such body corporate constitute, or at any time within a period of six months immediately preceding the day when the question arises as to whether such bodies corporate are under the same management, constituted (whether independently or together with relatives of such directors or employees of the first mentioned body corporate) one-fourth of the directors of the other; or

(v) if the same individual or individuals belonging to a group, while holding (whether by themselves or together with their relatives) not less than one-fourth of the equity shares in one such body corporate also hold (whether by themselves or together with their relatives) not less than one-fourth of the equity shares in the other; or

(vi) if the same body corporate or bodies corporate belonging to a group, holding, whether independently or along with its or their subsidiary or subsidiaries, not less than one-fourth of the equity shares in one body corporate, also hold not less than one-fourth of the equity shares in the other; or

(vii) if not less than one-fourth of the total voting power in relation to each of the two bodies corporate is exercised or controlled by the same individual (whether independently or together with his relatives) or the same body corporate (whether independently or together with its subsidiaries); or

(viii) if not less than one-fourth of the total voting power in relation to each of the two bodies corporate is exercised or controlled by the same individuals belonging to a group or by the same bodies corporate belonging to a group, or jointly by such individual or individuals and one or more of such bodies corporate; or

(ix) if the directors of one such body corporate are accustomed to act in accordance with the directions or instructions of one or more of the directors of the other, or if the directors of both the bodies corporate are accustomed to act in accordance with the directions or instructions of an individual, whether belonging to a group or not.

*Explanation II.*— If a group exercises control over a body corporate, that body corporate and every other body corporate, which is a constituent of, or controlled by, the group shall be deemed to be under the same management.

*Explanation III.*— If two or more bodies corporate under the same management hold, in the aggregate, not less than one-fourth equity share capital in any other body corporate, such other body corporate shall be deemed to be under the same management as the first mentioned bodies corporate.

*Explanation IV.*— In determining whether or not two or more bodies corporate are under the same management, the shares held by financial institutions in such bodies corporate shall not be taken into account.

#### *Illustration*

Undertaking B is inter-connected with undertaking A and undertaking C is inter-connected with undertaking B. Undertaking C is inter-connected with undertaking A; if undertaking D is inter-connected with undertaking C, undertaking D will be inter-connected with undertaking B and consequently with undertaking A; and so on.

*Explanation V.*— For the purposes of this clause, "group" means a group of—

(i) two or more individuals, associations of individuals, firms, trusts, trustees or bodies corporate (excluding financial institutions), or any combination thereof, which exercises, or is established to be in a position to exercise, control, directly or indirectly, over any body corporate, firm or trust; or

(ii) associated persons.

*Explanation VI.*— For the purposes of this clause,—

(I) a group of persons who are able, directly or indirectly, to control the policy of a body corporate, firm or trust, without having a controlling interest in that body corporate, firm or trust, shall also be deemed to be in a position to exercise control over it;

(II) "associated persons"—

(a) in relation to a director of a body corporate, means—

(i) a relative of such director, and includes a firm in which such director or his relative is a partner;

(ii) any trust of which any such director or his relative is a trustee;

(iii) any company of which such director, whether independently or together with his relatives, constitutes one-fourth of its Board of directors;

(iv) any other body corporate, at any general meeting of which not less than one-fourth of the total number of directors of such other body corporate are appointed or controlled by the director of the first mentioned body corporate or his relative, whether acting singly or jointly;

(b) in relation to the partner of a firm, means a relative of such partner and includes any other partner of such firm; and

(c) in relation to the trustee of a trust, means any other trustee of such trust;

(III) where any person is an associated person in relation to another, the latter shall also be deemed to be an associated person in relation to the former;.

130. In section 9 of the Central Excise Act, in sub-section (I), in clause (i), for the words "one lakh", the words "thirty lakh" shall be substituted.

Amendment of section 9.

131. In section 9A of the Central Excise Act, for sub-section (I), the following sub-section shall be substituted, namely:—

Amendment of section 9A.

Amendment of  
section 11A.

## 132. In section 11A of the Central Excise Act,—

(a) in sub-section (5), for the words "has not been levied or paid or", the words "has not been levied or paid or has been" shall be substituted;

(b) for sub-section (8), the following sub-section shall be substituted, namely:—

"(8) Where the service of notice is stayed by an order of a court or tribunal, the period of such stay shall be excluded in computing the period of one year referred to in clause (a) of sub-section (1) or five years referred to in sub-section (4) or sub-section (5), as the case may be."

Amendment of  
section 11AC.

## 133. In section 11AC of the Central Excise Act, in sub-section (1),—

(i) in clauses (a) and (b), for the words "has not been levied or paid or", the words "has not been levied or paid or has been" shall respectively be substituted;

(ii) in clause (c), for the words "duty so determined", the words "duty so determined only in a case where the penalty is paid within the period so specified" shall be substituted.

## 134. In section 12F of the Central Excise Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of  
section 12F.

'(2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall, so far as may be, apply to search and seizure under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if for the word "Magistrate", wherever it occurs, the words "Commissioner of Central Excise" were substituted.'

2 of 1974.

Substitution of  
new section for  
section 13.

## 135. For section 13 of the Central Excise Act, the following sections shall be substituted, namely:—

Power to arrest.

"13. (1) If an officer of Central Excise empowered in this behalf by general or special order of the Commissioner of Central Excise has reason to believe that any person has committed an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.

(2) Every person arrested under sub-section (1) for an offence shall, without unnecessary delay, be taken to a Magistrate.

(3) Where an officer of Central Excise has arrested any person under sub-section (1), for any offence (other than an offence punishable for a term of imprisonment of three years or more under section 9), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police station has, and is subject to, under the Code of Criminal Procedure, 1973.

2 of 1974.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act (except an offence punishable for a term of imprisonment of three years or more under section 9) shall be bailable.

2 of 1974.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable for a term of imprisonment of three years or more under section 9 shall be cognizable.

2 of 1974.

Bail for offence  
punishable for a  
term of  
imprisonment of  
three years or  
more under  
section 9 not to be  
granted without  
hearing public  
prosecutor.

13A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of three years or more under section 9 shall be released on bail or on his own bond unless—

2 of 1974.

(i) the public prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the public prosecutor opposes the application, the Magistrate is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person who is under the age of eighteen years or is a woman or is sick or infirm, may be released on bail if the Magistrate so directs.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer shall, save as otherwise provided under this Act, investigate into an offence under this Act unless specifically authorised by the Central Government by a general or special order, and subject to such conditions as may be specified in the order.”.

**136.** For section 18 of the Central Excise Act, the following section shall be substituted, namely:—

2 of 1974.

“18. All searches under this Act or the rules made thereunder and all arrests under this Act shall, save as otherwise provided under this Act, be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating respectively to searches and arrests under that Code.”.

Substitution of new section for section 18.  
Searches and arrests how to be made.

1 of 1944.

**137.** Section 19 of the Central Excise Act shall be omitted.

Omission of section 19.  
Amendment of section 20

**138.** In section 20 of the Central Excise Act,—

(a) the words and figures “under section 19” shall be omitted;

(b) after the words “such Magistrate”, the words “in accordance with the provisions of this Act” shall be inserted.

Amendment of notification issued under section 5A of Central Excise Act.

1 of 1944.

**139.** (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 62 (E), dated the 6th February, 2010 (hereinafter referred to as the said notification), issued under sub-section (1) of section 5A of the Central Excise Act, 1944, shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of the Fifth Schedule, on and from the corresponding date specified in column (3) of that Schedule, against the said notification specified in column (1) of that Schedule.

(2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to amend the said notification with retrospective effect as if the Central Government had the power to amend the said notification under sub-section (1) of section 5A of the Central Excise Act, 1944, retrospectively, at all material times.

*Explanation.*— For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had the said notification not been amended retrospectively.

**140.** The Third Schedule to the Central Excise Act shall be amended in the manner specified in the Sixth Schedule.

Amendment of Third Schedule.

#### *Central Excise Tariff*

5 of 1986.

**141.** In the Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act), the First Schedule shall be amended in the manner specified in the Seventh Schedule.

Amendment of First Schedule.

**142.** (1) In the First Schedule to the Central Excise Tariff Act, in Chapter 54, after Note 1, the following Note shall be inserted and shall be deemed to have been inserted with effect from the 29th day of June, 2010, namely:—

Amendment of Chapter Notes to Chapter 54 of First Schedule.

“1A. Notwithstanding anything contained in Note 1, man-made fibre such as polyester staple fibre and polyester filament yarn manufactured from plastic and plastic waste including waste polyethylene terephthalate bottles shall be classified as textile material under Chapter 54 or Chapter 55, as the case may be.”.

(2) Any action taken or anything done or purported to have been taken or done for recovery of duty of excise at any time during the period commencing on and from the 29th day of June, 2010 and ending with the date on which the Finance Bill, 2012 receives the assent of the President (hereafter in this section referred to as the “specified period”), shall be deemed to be, and always to have been, for all purposes, as validly and effectively taken or done as if the amendment made by sub-section (1) had been in force at all material times and, accordingly, notwithstanding any judgment, decree or order of any court, tribunal or other authority—

(a) all duties of excise levied, assessed or collected during the specified period on such goods shall be deemed to be and always to have been, as validly levied, assessed or collected as if the amendment made by sub-section (1) had been in force at all material times;

(b) recovery shall be made of all the duties which have not been paid, but would have been paid had the amendments made by sub-section (1) been in force, within a period of thirty days from the date on which the Finance Bill, 2012 receives the assent of the President and in the event of non-payment of such duties of excise within the said period, interest at the rate of twenty-four per cent. per annum on the amount of such duties in addition to the amount of duties to be recovered, shall be payable from the date immediately after the expiry of the said period of thirty days till the date of its payment;

(c) while computing the amount of duty to be recovered under clause (b), the assessee shall be entitled to take into account the CENVAT credit of duty paid on inputs, input services and capital goods, if any, under the CENVAT Credit Rules, 2004 which has not been availed by him for reason of such goods being treated as non-excisable or exempted goods.

*Explanation.*— For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had this section not come into force.”.

## CHAPTER V SERVICE TAX

Amendment of  
Act 32 of 1994.

### 143. In the Finance Act, 1994,—

(A) in section 65, after the *Explanation* occurring at the end of clause (121), the following proviso shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

“Provided that the provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.”;

(B) in section 65A, after sub-section (2), the following sub-section shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

“(3) The provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.”;

(C) after section 65A, the following section shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

Interpretations.

### '65B. In this Chapter, unless the context otherwise requires,—

(1) “actionable claim” shall have the meaning assigned to it in section 3 of the Transfer of Property Act, 1882;

4 of 1982.

(2) “advertisement” means any form of presentation for promotion of, or bringing awareness about, any event, idea, immovable property, person, service, goods or actionable claim through newspaper, television, radio or any other means but does not include any presentation made in person;

(3) “agriculture” means the cultivation of plants and rearing of all life-forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products;

(4) “agricultural extension” means application of scientific research and knowledge to agricultural practices through farmer education or training;

(5) “agricultural produce” means any produce of agriculture on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market;

(6) “Agricultural Produce Marketing Committee or Board” means any committee or board constituted under a State law for the time being in force for the purpose of regulating the marketing of agricultural produce;

22 of 1934. (7) "aircraft" has the meaning assigned to it in clause (1) of section 2 of the Aircraft Act, 1934;

55 of 1994. (8) "airport" has the meaning assigned to it in clause (b) of section 2 of the Airports Authority of India Act, 1994;

52 of 1962. (9) "amusement facility" means a facility where fun or recreation is provided by means of rides, gaming devices or bowling alleys in amusement parks, amusement arcades, water parks, theme parks or such other places but does not include a place within such facility where other services are provided;

52 of 1961. (10) "Appellate Tribunal" means the Customs, Excise and Service Tax Appellate Tribunal constituted under section 129 of the Customs Act, 1962;

(11) "approved vocational education course" means,—

(i) a course run by an industrial training institute or an industrial training centre affiliated to the National Council for Vocational Training offering courses in designated trades notified under the Apprentices Act, 1961; or

(ii) a Modular Employable Skill Course, approved by the National Council of Vocational Training, run by a person registered with the Directorate General of Employment and Training, Union Ministry of Labour and Employment; or

(iii) a course run by an institute affiliated to the National Skill Development Corporation set up by the Government of India;

43 of 1961. (12) "assessee" means a person liable to pay tax and includes his agent;

42 of 1999. (13) "associated enterprise" shall have the meaning assigned to it in section 92A of the Income-tax Act, 1961;

(14) "authorised dealer of foreign exchange" shall have the meaning assigned to "authorised person" in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;

54 of 1963. (15) "betting or gambling" means putting on stake something of value, particularly money, with consciousness of risk and hope of gain on the outcome of a game or a contest, whose result may be determined by chance or accident, or on the likelihood of anything occurring or not occurring;

54 of 1948. (16) "Board" means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963;

36 of 2003. (17) "business entity" means any person ordinarily carrying out any activity relating to industry, commerce or any other business;

(18) "Central Electricity Authority" means the authority constituted under section 3 of the Electricity (Supply) Act, 1948;

(19) "Central Transmission Utility" shall have the meaning assigned to it in clause (10) of section 2 of the Electricity Act, 2003;

52 of 1962. (20) "courier agency" means any person engaged in the door-to-door transportation of time-sensitive documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles;

(21) "customs station" shall have the meaning assigned to it in clause (13) of section 2 of the Customs Act, 1962;

(22) "declared service" means any activity carried out by a person for another person for consideration and declared as such under section 66E;

36 of 2003. (23) "electricity transmission or distribution utility" means the Central Electricity Authority; a State Electricity Board; the Central Transmission Utility or a State Transmission Utility notified under the Electricity Act, 2003; or a distribution or transmission licensee under the said Act, or any other entity entrusted with such function by the Central Government or, as the case may be, the State Government;

(24) "entertainment event" means an event or a performance which is intended to provide recreation, pastime, fun or enjoyment, by way of exhibition of cinematographic film, circus, concerts, sporting event, pageants, award functions, dance, musical or theatrical performances including drama, ballets or any such event or programme;

(25) "goods" means every kind of movable property other than actionable claim and money; and includes securities, growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

(26) "goods transport agency" means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called;

(27) "India" means,—

(a) the territory of the Union as referred to in clauses (2) and (3) of article 1 of the Constitution;

(b) its territorial waters, continental shelf, exclusive economic zone or any other maritime zone as defined in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;

80 of 1976.

(c) the seabed and the subsoil underlying the territorial waters;

(d) the air space above its territory and territorial waters; and

(e) the installations, structures and vessels located in the continental shelf of India and the exclusive economic zone of India, for the purposes of prospecting or extraction or production of mineral oil and natural gas and supply thereof;

(28) "information technology software" means any representation of instructions, data, sound or image, including source code and object code, recorded in a machine readable form, and capable of being manipulated or providing interactivity to a user, by means of a computer or an automatic data processing machine or any other device or equipment;

(29) "inland waterway" means national waterways as defined in clause (h) of section 2 of the Inland Waterways Authority of India Act, 1985 or other waterway on any inland water, as defined in clause (b) of section 2 of the Inland Vessels Act, 1917;

82 of 1985.  
1 of 1917.

(30) "interest" has the meaning assigned to it in clause (28A) of section 2 of the Income-tax Act, 1961;

43 of 1961.

(31) "local authority" means—

(a) a Panchayat as referred to in clause (d) of article 243 of the Constitution;

(b) a Municipality as referred to in clause (e) of article 243P of the Constitution;

(c) a Municipal Committee and a District Board, legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;

(d) a Cantonment Board as defined in section 3 of the Cantonments Act, 2006;

41 of 2006.

(e) a regional council or a district council constituted under the Sixth Schedule to the Constitution;

(f) a development board constituted under article 371 of the Constitution; or

(g) a regional council constituted under article 371A of the Constitution;

(32) "metered cab" means any contract carriage on which an automatic device, of the type and make approved under the relevant rules by the State Transport Authority, is fitted which indicates reading of the fare chargeable at any moment and that is charged accordingly under the conditions of its permit issued under the Motor Vehicles Act, 1988 and the rules made thereunder;

59 of 1988.

(33) "money" means Indian legal tender, cheque, promissory note, bill of exchange, letter of credit, draft, pay order, traveller cheque, money order, postal or electronic remittance or any such similar instrument when used as consideration to settle an obligation or exchange with Indian legal tender of another denomination but shall not include any currency that is held for its numismatic value;

(34) "negative list" means the services which are listed in section 66D;

(35) "non-taxable territory" means the territory which is outside the taxable territory;

(36) "notification" means notification published in the Official Gazette and the expressions "notify" and "notified" shall be construed accordingly;

(37) "person" includes,—

- (i) an individual,
- (ii) a Hindu undivided family,
- (iii) a company,
- (iv) a society,
- (v) a limited liability partnership,
- (vi) a firm,
- (vii) an association of persons or body of individuals, whether incorporated or not,
- (viii) Government,
- (ix) a local authority, or
- (x) every artificial juridical person, not falling within any of the preceding sub-clauses;

(38) "port" has the meaning assigned to it in clause (q) of section 2 of the Major Port Trusts Act, 1963 or in clause (4) of section 3 of the Indian Ports Act, 1908;

38 of 1963.  
15 of 1908.

(39) "prescribed" means prescribed by rules made under this Chapter;

(40) "process amounting to manufacture or production of goods" means a process on which duties of excise are leviable under section 3 of the Central Excise Act, 1944 or any process amounting to manufacture of alcoholic liquors for human consumption, opium, Indian hemp and other narcotic drugs and narcotics on which duties of excise are leviable under any State Act for the time being in force;

(41) "renting" means allowing, permitting or granting access, entry, occupation, use or any such facility, wholly or partly, in an immovable property, with or without the transfer of possession or control of the said immovable property and includes letting, leasing, licensing or other similar arrangements in respect of immovable property;

1 of 1944.

(42) "Reserve Bank of India" means the bank established under section 3 of the Reserve Bank of India Act, 1934;

2 of 1934.

(43) "securities" has the meaning assigned to it in clause (h) of section 2 of the Securities Contract (Regulation) Act, 1956;

42 of 1956.

(44) "service" means any activity carried out by a person for another for consideration, and includes a declared service, but shall not include—

(a) an activity which constitutes merely,—

(i) a transfer of title in goods or immovable property, by way of sale, gift or in any other manner; or

(ii) a transaction in money or actionable claim;

(b) a provision of service by an employee to the employer in the course of or in relation to his employment;

(c) fees taken in any Court or tribunal established under any law for the time being in force.

*Explanation 1.*— For the removal of doubts, it is hereby declared that nothing contained in this clause shall apply to,—

(A) the functions performed by the Members of Parliament, Members of State Legislature, Members of Panchayats, Members of Municipalities and Members of other local authorities

who receive any consideration in performing the functions of that office as such member; or

(B) the duties performed by any person who holds any post in pursuance of the provisions of the Constitution in that capacity; or

(C) the duties performed by any person as a Chairperson or a Member or a Director in a body established by the Central Government or State Governments or local authority and who is not deemed as an employee before the commencement of this section.

*Explanation 2.*— For the purposes of this Chapter,—

(a) an unincorporated association or a body of persons, as the case may be, and a member thereof shall be treated as distinct persons;

(b) an establishment of a person in the taxable territory and any of his other establishment in a non-taxable territory shall be treated as establishments of distinct persons.

*Explanation 3.*— A person carrying on a business through a branch or agency or representative office in any territory shall be treated as having an establishment in that territory;

(45) "Special Economic Zone" has the meaning assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005; 28 of 2005.

(46) "stage carriage" shall have the meaning assigned to it in clause (40) of section 2 of the Motor Vehicles Act, 1988; 59 of 1988.

(47) "State Electricity Board" means the Board constituted under section 5 of the Electricity (Supply) Act, 1948; 54 of 1948.

(48) "State Transmission Utility" shall have the meaning assigned to it in clause (67) of section 2 of the Electricity Act, 2003; 36 of 2003.

(49) "support services" means infrastructural, operational, administrative, logistic, marketing or any other support of any kind comprising functions that entities carry out in ordinary course of operations themselves but may obtain as services by outsourcing from others for any reason whatsoever and shall include advertisement and promotion, construction or works contract, renting of immovable property, security, testing and analysis;

(50) "tax" means service tax leviable under the provisions of this Chapter;

(51) "taxable service" means any service on which service tax is leviable under section 66B;

(52) "taxable territory" means the territory to which the provisions of this Chapter apply;

(53) "vessel" has the meaning assigned to it in clause (z) of section 2 of the Major Port Trusts Act, 1963; 38 of 1963.

(54) "works contract" means a contract wherein transfer of property in goods involved in the execution of such contract is leviable to tax as sale of goods and such contract is for the purpose of carrying out construction, erection, commissioning, installation, completion, fitting out, improvement, repair, renovation, alteration of any building or structure on land or for carrying out any other similar activity or a part thereof in relation to any building or structure on land;

(55) words and expressions used but not defined in this Chapter and defined in the Central Excise Act, 1944 or the rules made thereunder, shall apply, so far as may be, in relation to service tax as they apply in relation to a duty of excise.' 1 of 1944.

(D) in section 66, the following proviso shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

"Provided that the provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.";

(E) in section 66A, after *Explanation 2* occurring at the end of sub-section (2), the following sub-section shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

"(3) The provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.";

(F) after section 66A, the following sections shall be inserted with effect from such date as the Central Government may, by notification, appoint, namely:—

'66B. There shall be levied a tax (hereinafter referred to as the service tax) at the rate of twelve per cent. on the value of all services, other than those services specified in the negative list, provided or agreed to be provided in the taxable territory by one person to another and collected in such manner as may be prescribed.

Charge of service tax on and after Finance Act, 2012.

66C. (1) The Central Government may, having regard to the nature and description of various services, by rules made in this regard, determine the place where such services are provided or deemed to have been provided or agreed to be provided or deemed to have been agreed to be provided.

Determination of place of provision of service.

(2) Any rule made under sub-section (1) shall not be invalid merely on the ground that either the service provider or the service receiver or both are located at a place being outside the taxable territory.

66D. The negative list shall comprise of the following services, namely:—

Negative list of services.

(a) services by Government or a local authority excluding the following services to the extent they are not covered elsewhere—

(i) services by the Department of Posts by way of speed post, express parcel post, life insurance and agency services provided to a person other than Government;

(ii) services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;

(iii) transport of goods or passengers; or

(iv) support services, other than services covered under clauses (i) to (iii) above, provided to business entities;

(b) services by the Reserve Bank of India;

(c) services by a foreign diplomatic mission located in India;

(d) services relating to agriculture by way of—

(i) agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or seed testing;

(ii) supply of farm labour;

(iii) processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;

(iv) renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;

(v) loading, unloading, packing, storage or warehousing of agricultural produce;

(vi) agricultural extension services;

(vii) services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;

(e) trading of goods;

(f) any process amounting to manufacture or production of goods;

(g) selling of space or time slots for advertisements other than advertisements broadcast by radio or television;

- (h) service by way of access to a road or a bridge on payment of toll charges;
- (i) betting, gambling or lottery;
- (j) admission to entertainment events or access to amusement facilities;
- (k) transmission or distribution of electricity by an electricity transmission or distribution utility;
- (l) services by way of—
  - (i) pre-school education and education up to higher secondary school or equivalent;
  - (ii) education as a part of a curriculum for obtaining a qualification recognised by any law for the time being in force;
  - (iii) education as a part of an approved vocational education course;
- (m) services by way of renting of residential dwelling for use as residence;
- (n) services by way of—
  - (i) extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount;
  - (ii) *inter se* sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange or amongst banks and such dealers;
- (o) service of transportation of passengers, with or without accompanied belongings, by—
  - (i) a stage carriage;
  - (ii) railways in a class other than—
    - (A) first class; or
    - (B) an airconditioned coach;
  - (iii) metro, monorail or tramway;
  - (iv) inland waterways;
  - (v) public transport, other than predominantly for tourism purpose, in a vessel of less than fifteen tonne net; and
  - (vi) metered cabs, radio taxis or auto rickshaws;
- (p) services by way of transportation of goods—
  - (i) by road except the services of—
    - (A) a goods transportation agency; or
    - (B) a courier agency;
  - (ii) by an aircraft or a vessel from a place outside India to the first customs station of landing in India; or
  - (iii) by inland waterways;
- (q) funeral, burial, crematorium or mortuary services including transportation of the deceased.

Declared services.

66E. The following shall constitute declared services, namely:—

- (a) renting of immovable property;
- (b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration is received after issuance of completion-certificate by the competent authority.

*Explanation.*— For the purposes of this clause,—

(I) the expression "competent authority" means the Government or any authority authorised to issue completion certificate under any law for the time being in force and in case of non-requirement of such certificate from such authority, from any of the following, namely:—

(A) architect registered with the Council of Architecture constituted under the Architects Act, 1972; or

(B) chartered engineer registered with the Institution of Engineers (India); or

(C) licensed surveyor of the respective local body of the city or town or village or development or planning authority;

(II) the expression "construction" includes additions, alterations, replacements or remodelling of any existing civil structure;

(c) temporary transfer or permitting the use or enjoyment of any intellectual property right;

(d) development, design, programming, customisation, adaptation, upgradation, enhancement, implementation of information technology software;

(e) agreeing to the obligation to refrain from an act, or to tolerate an act or a situation, or to do an act;

(f) transfer of goods by way of hiring, leasing, licensing or in any such manner without transfer of right to use such goods;

(g) activities in relation to delivery of goods on hire purchase or any system of payment by instalments;

(h) service portion in the execution of a works contract;

(i) service portion in an activity wherein goods, being food or any other article of human consumption or any drink (whether or not intoxicating) is supplied in any manner as a part of the activity.

66F. (1) Unless otherwise specified, reference to a service (herein referred to as main service) shall not include reference to a service which is used for providing main service.

(2) Where a service is capable of differential treatment for any purpose based on its description, the most specific description shall be preferred over a more general description.

(3) Subject to the provisions of sub-section (2), the taxability of a bundled service shall be determined in the following manner, namely:—

(a) if various elements of such service are naturally bundled in the ordinary course of business, it shall be treated as provision of the single service which gives such bundle its essential character;

(b) if various elements of such service are not naturally bundled in the ordinary course of business, it shall be treated as provision of the single service which results in highest liability of service tax.

*Explanation.*— For the purposes of sub-section (3), the expression "bundled service" means a bundle of provision of various services wherein an element of provision of one service is combined with an element or elements of provision of any other service or services.;

(G) in section 67, in the *Explanation*, clause (b) shall be omitted, with effect from such date as the Central Government may, by notification, appoint;

(H) after section 67, the following section shall be inserted, namely:—

Principles of interpretation of specified descriptions of services or bundled services.

Date of determination of rate of tax, value of taxable service and rate of exchange.

'67A. The rate of service tax, value of a taxable service and rate of exchange, if any, shall be the rate of service tax or value of a taxable service or rate of exchange, as the case may be, in force or as applicable at the time when the taxable service has been provided or agreed to be provided.

*Explanation.*—For the purposes of this section, "rate of exchange" means the rate of exchange referred to in the *Explanation* to section 14 of the Customs Act, 1962.;

52 of 1962.

(I) in section 68, in sub-section (2), with effect from such date as the Central Government may, by notification, appoint,—

(i) for the words "any taxable service notified", the words "such taxable services as may be notified" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

"Provided that the Central Government may notify the service and the extent of service tax which shall be payable by such person and the provisions of this Chapter shall apply to such person to the extent so specified and the remaining part of the service tax shall be paid by the service provider.;"

(J) after section 72, the following section shall be inserted, namely:—

Special audit.

'72A. (1) If the Commissioner of Central Excise, has reasons to believe that any person liable to pay service tax (herein referred to as "such person"),—

(i) has failed to declare or determine the value of a taxable service correctly; or

(ii) has availed and utilised credit of duty or tax paid—

(a) which is not within the normal limits having regard to the nature of taxable service provided, the extent of capital goods used or the type of inputs or input services used, or any other relevant factors as he may deem appropriate; or

(b) by means of fraud, collusion, or any wilful misstatement or suppression of facts; or

(iii) has operations spread out in multiple locations and it is not possible or practicable to obtain a true and complete picture of his accounts from the registered premises falling under the jurisdiction of the said Commissioner,

he may direct such person to get his accounts audited by a chartered accountant or cost accountant nominated by him, to the extent and for the period as may be specified by the Commissioner.

(2) The chartered accountant or cost accountant referred to in sub-section (1) shall, within the period specified by the said Commissioner, submit a report duly signed and certified by him to the said Commissioner mentioning therein such other particulars as may be specified by him.

(3) The provisions of sub-section (1) shall have effect notwithstanding that the accounts of such person have been audited under any other law for the time being in force.

(4) The person liable to pay tax shall be given an opportunity of being heard in respect of any material gathered on the basis of the audit under sub-section (1) and proposed to be utilised in any proceeding under the provisions of this Chapter or rules made thereunder.

*Explanation.*—For the purposes of this section,—

(i) "chartered accountant" shall have the meaning assigned to it in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949;

38 of 1949.

(ii) "cost accountant" shall have the meaning assigned to it in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959.;

23 of 1959.

(K) in section 73,—

(i) for the words "one year", wherever they occur, the words "eighteen months" shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), the Central Excise Officer may serve, subsequent to any notice or notices served under that sub-section, a statement, containing the details of service tax not levied or paid or short levied or short paid or erroneously

refunded for the subsequent period, on the person chargeable to service tax, then, service of such statement shall be deemed to be service of notice on such person, subject to the condition that the grounds relied upon for the subsequent period are same as are mentioned in the earlier notices.";

(iii) in sub-section (4A), for the words, brackets and figures "sub-sections (3) and (4)", the word, brackets and figure "sub-section (4)" shall be substituted;

(L) section 80 shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in the provisions of section 76 or section 77 or section 78, no penalty shall be imposable for failure to pay service tax payable, as on the 6th day of March, 2012, on the taxable service referred to in sub-clause (zzzz) of clause (105) of section 65, subject to the condition that the amount of service tax alongwith interest is paid in full within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President.";

(M) in section 83, for the figures and letters "12E, 14, 14AA, 15, 33A, 34A, 35F", the figures, letters, words and brackets "12E, 14, 15, 31, 32, 32A to 32P (both inclusive), 33A, 34A, 35EE, 35F" shall be substituted;

(N) in section 85,—

(i) in sub-section (3), after the words "under this Chapter", the words and figures ", made before the date on which the Finance Bill, 2012 receives the assent of the President" shall be inserted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) An appeal shall be presented within two months from the date of receipt of the decision or order of such adjudicating authority, made on and after the Finance Bill, 2012 receives the assent of the President, relating to service tax, interest or penalty under this Chapter:

Provided that the Commissioner of Central Excise (Appeals) may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of two months, allow it to be presented within a further period of one month.";

(O) in section 86,—

(i) in sub-section (1), after the words "against such order", the words "within three months of the date of receipt of the order" shall be inserted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every appeal under sub-section (2) or sub-section (2A) shall be filed within four months from the date on which the order sought to be appealed against is received by the Committee of Chief Commissioners or, as the case may be, the Committee of Commissioners.";

(P) in section 88, for the word "duty", the word "tax" shall be substituted;

(Q) in section 89, in sub-section (1), for clause (a), the following clause shall be substituted with effect from the date on which the Finance Bill, 2012 receives the assent of the President, namely:—

"(a) knowingly evades the payment of service tax under this Chapter; or";

(R) in section 93A, for the words "of such goods", the words "or removal or export of such goods" shall be substituted;

(S) after section 93A, the following section shall be inserted, namely:—

Insertion of new section 93B.

Rules made under section 94 to be applicable to services other than taxable services.

"93B. All rules made under section 94 and applicable to the taxable services shall also be applicable to any other service in so far as they are relevant to the determination of any tax liability, refund, credit of service tax or duties paid on inputs and input services or for carrying out the provisions of Chapter V of the Finance Act, 1994.";

(T) in section 94, in sub-section (2),—

(i) clause (ee) shall be omitted;

(ii) in clause (hhh), after the words "provision of taxable service", the words, figures and letter "under section 66C" shall be inserted;

(iii) clause (i) shall be re-lettered as clause (k) thereof and before the clause (k) as so re-lettered, the following shall be inserted, namely:—

"(i) provide for the amount to be paid for compounding and the manner of compounding of offences;

(j) provide for the settlement of cases, in accordance with sections 31, 32 and 32A to 32P (both inclusive), in Chapter V of the Central Excise Act, 1944 as made applicable to service tax vide section 83;";

1 of 1944.

(U) in section 95, after sub-section (1H), the following sub-section shall be inserted, namely:—

"(1-I). If any difficulty arises in giving effect to section 143 of the Finance Act, 2012, in so far as it relates to insertion of sections 65B, 66B, 66C, 66D, 66E and section 66F in Chapter V of the Finance Act, 1994, the Central Government may, by order published in the Official Gazette, which is not inconsistent with the provisions of this Chapter, make such provisions, as may be necessary or expedient for the purpose of removing the difficulty from such date, which shall include the power to give retrospective effect from a date not earlier than the date of coming into force of the Finance Act, 2012:

32 of 1994.

Provided that no such order shall be made after the expiry of a period of two years from the date of coming into force of these provisions.";

(V) in section 96C, in sub-section (2), for clause (e), the following clause shall be substituted, namely:—

"(e) admissibility of credit of duty or tax in terms of the rules made in this regard;";

(W) after section 96J, the following sections shall be inserted, namely:—

"97. (1) Notwithstanding anything contained in section 66, no service tax shall be levied or collected in respect of management, maintenance or repair of roads, during the period on and from the 16th day of June, 2005 to the 26th day of July, 2009 (both days inclusive).

(2) Refund shall be made of all such service tax which has been collected but which would not have been so collected had sub-section (1) been in force at all material times.

(3) Notwithstanding anything contained in this Chapter, an application for the claim of refund of service tax shall be made within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President.

98. (1) Notwithstanding anything contained in section 66, no service tax shall be levied or collected in respect of management, maintenance or repair of non-commercial Government buildings, during the period on and from the 16th day of June, 2005 till the date on which section 66B comes into force.

(2) Refund shall be made of all such service tax which has been collected but which would not have been so collected had sub-section (1) been in force at all material times.

(3) Notwithstanding anything contained in this Chapter, an application for the claim of refund of service tax shall be made within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President.".

Special provision for exemption in certain cases relating to management, etc., of roads.

144. (1) In the CENVAT Credit Rules, 2004, made by the Central Government in exercise of the powers conferred by section 37 of the Central Excise Act, 1944, sub-rule (6A) of rule 6 as inserted by clause (ix) of rule 5 of the CENVAT Credit (Amendment) Rules, 2011, published in the Official Gazette vide notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 134(E), dated the 1st March, 2011 shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of the Eighth Schedule, on and from the date specified in column (3) of that Schedule, against the rule specified in column (1) of that Schedule.

Special provision for exemption in certain cases relating to management, etc., of non-commercial Government buildings.

Amendment of rule 6 of CENVAT Credit Rules, 2004.

1 of 1944.

(2) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action taken or anything done or purported to have been taken or done, on and from the 10th day of February, 2006, relating to the provisions as amended by sub-section (1), shall be deemed to be and deemed always to have been, for all purposes, as validly and effectively taken or done as if the amendments made by sub-section (1) had been in force at all material times.

1 of 1944.

(3) For the purpose of sub-section (1), the Central Government shall have and shall be deemed to have the power to make rules with retrospective effect as if the Central Government had the power to make rules under section 37 of the Central Excise Act, 1944, retrospectively, at all material times.

32 of 1994.

**145.** (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 566 (E), dated the 25th July, 2011, issued in exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994, granting exemption from the whole of service tax leviable under section 66 thereof, on the club or association service referred to in sub-clause (zzze) of clause (105) of section 65 of the said Act, provided by a club or an association including registered cooperative societies, in relation to the project, shall be deemed to have, and deemed always to have, for all purposes, validly come into force on and from the 16th day of June, 2005, at all material times.

Validation of exemption given to club or association including co-operative societies in relation to project.

(2) Refund shall be made of all such service tax which has been collected but which would not have been so collected as if the notification referred to in sub-section (1) had been in force at all material times.

32 of 1994.

(3) Notwithstanding anything contained in the Finance Act, 1994, an application for the claim of refund of service tax shall be made within six months from the date on which the Finance Bill, 2012 receives the assent of the President.

*Explanation.*—For the removal of doubts, it is hereby declared that,—

(i) project means common facility set-up for treatment and recycling of effluents and solid wastes, with financial assistance from the Central Government or a State Government;

1 of 1944.

(ii) the provisions of section 11B of the Central Excise Act, 1944, shall be applicable in case of refunds under this section.

## CHAPTER VI

### AMENDMENTS TO THE FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2003

39 of 2003.

**146.** In section 2 of the Fiscal Responsibility and Budget Management Act, 2003 (hereinafter referred to as the Fiscal Responsibility Act),—

Amendment of section 2.

(i) after clause (a), the following clause shall be inserted, namely:—

'(aa) "effective revenue deficit" means the difference between the revenue deficit and grants for creation of capital assets';

(ii) after clause (b), the following clause shall be inserted, namely:—

'(bb) "grants for creation of capital assets" means the grants in aid given by the Central Government to the State Governments, constitutional authorities or bodies, autonomous bodies, local bodies and other scheme implementing agencies for creation of capital assets which are owned by the said entities';

**147.** In section 3 of the Fiscal Responsibility Act,—

Amendment of section 3.

(a) in sub-section (1),—

(i) in the opening portion, for the words "demands for grants", the words "demands for grants except the Medium-term Expenditure Framework Statement" shall be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(d) the Medium-term Expenditure Framework Statement";

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(IA) The statements referred to in clauses (a) to (c) of sub-section (1) shall be followed up with the Medium-term Expenditure Framework Statement with detailed analysis of underlying assumptions.

(IB) The Central Government shall lay the Medium-term Expenditure Framework Statement referred to in clause (d) of sub-section (1) before both Houses of Parliament, immediately following the Session of Parliament in which the policy statements referred to in clauses (a) to (c) were laid under sub-section (1).";

(c) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) (a) The Medium-term Expenditure Framework Statement shall set forth a three-year rolling target for prescribed expenditure indicators with specification of underlying assumptions and risk involved.

(b) In particular and without prejudice to the provisions contained in clause (a), the Medium-term Expenditure Framework Statement shall, *inter alia*, contain—

(i) the expenditure commitment of major policy changes involving new service, new instruments of service, new schemes and programmes;

(ii) the explicit contingent liabilities, which are in the form of stipulated annuity payments over a multi-year time-frame;

(iii) the detailed breakup of grants for creation of capital assets.";

(d) in sub-section (7), for the words "the Fiscal Policy Strategy Statement," the words "the Fiscal Policy Strategy Statement, the Medium-term Expenditure Framework Statement" shall be substituted.

Amendment of  
section 4.

148. In section 4 of the Fiscal Responsibility Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government shall take appropriate measures to reduce the fiscal deficit, revenue deficit and effective revenue deficit to eliminate the effective revenue deficit by the 31st March, 2015 and thereafter build up adequate effective revenue surplus and also to reach revenue deficit of not more than two per cent. of Gross Domestic Product by the 31st March, 2015 and thereafter as may be prescribed by rules made by the Central Government.";

(b) in sub-section (2),—

(i) in clause (a),—

(A) for the words "fiscal deficit and revenue deficit", the words "fiscal deficit, revenue deficit and effective revenue deficit" shall be substituted;

(B) for the words, figures and letters "the 31st March, 2009", the words, figures and letters "the 31st March, 2015" shall be substituted;

(ii) in the first proviso, after the words "the revenue deficit", the words ", effective revenue deficit" shall be inserted.

Insertion of  
new section  
7A.

Laying of  
review reports.

Amendment of  
section 8.

149. After section 7 of the Fiscal Responsibility Act, the following section shall be inserted, namely:—

"7A. The Central Government may entrust the Comptroller and Auditor-General of India to review periodically as required, the compliance of the provisions of this Act and such reviews shall be laid on the table of both Houses of Parliament.".

150. In section 8 of the Fiscal Responsibility Act, in sub-section (2),—

(i) after clause (b), the following clause shall be inserted, namely:—

"(ba) the expenditure indicators with specifications of underlying assumptions and risk involved under clause (a) of sub-section (6A) of section 3;";

(ii) in clause (c), for the words "Fiscal Policy Strategy Statement", the words "Fiscal Policy Strategy Statement, Medium-term Expenditure Framework Statement" shall be substituted;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(ca) the per cent. of revenue deficit to be specified after the 31st March, 2015 under sub-section (1) of section 4;".

## CHAPTER VII

### MISCELLANEOUS

**151.** In the Oil Industry (Development) Act, 1974, in the Schedule, against Sl. No.1 relating to crude oil, for the entry in column 3, the entry "Rupees four thousand five hundred per tonne" shall be substituted.

Amendment of Schedule to Act 47 of 1974.

18 of 2005.

**152.** The Seventh Schedule to the Finance Act, 2001 (as substituted by the Twelfth Schedule to the Finance Act, 2005) shall be amended in the manner specified in the Ninth Schedule.

Amendment of Seventh Schedule to Act 14 of 2001.

**153.** In section 98 of the Finance (No. 2) Act, 2004, in the Table, with effect from the 1st day of July, 2012,—

Amendment of section 98 of Act 23 of 2004.

(i) against Sl. No. 1, under column (3) relating to rate, for the figures and words "0.125 per cent.", the figures and words "0.1 per cent." shall be substituted;

(ii) against Sl. No. 2, under column (3) relating to rate, for the figures and words "0.125 per cent.", the figures and words "0.1 per cent." shall be substituted.

**154.** The Seventh Schedule to the Finance Act, 2005 shall be amended in the manner specified in the Tenth Schedule.

Amendment of Seventh Schedule to Act 18 of 2005.

**155.** In section 73 of the Finance Act, 2010, in sub-section (2), for the word "inputs", the words "inputs or input services" shall be substituted and shall be deemed to have been substituted with effect from the 8th day of May, 2010.

Amendment of Act 14 of 2010.

**156.** In the Finance Act, 2011, with effect from the date of coming into force of that Act,—

Amendment of Act 8 of 2011.

(i) in section 73,—

(A) in the opening portion, for the brackets, words and letter "(hereinafter referred to as the Central Excise Tariff Act),—

(a) the First Schedule shall",

the words ", the First Schedule shall" shall be substituted and shall be deemed to have been substituted;

(B) the brackets, letter and words "(b) the Third Schedule shall be amended in the manner specified in the Twelfth Schedule" shall be inserted and shall be deemed to have been inserted under the heading "Excise" as section 70A of the aforesaid Act.

(ii) in the Twelfth Schedule, for the brackets, words, figures and letter "[See section 73(b)]

In the Third Schedule to the Central Excise Tariff Act",

the following shall be substituted and shall be deemed to have been substituted, namely:—

"[See section 70A]

In the Third Schedule to the Central Excise Act".

### Declaration under the Provisional Collection of Taxes Act, 1931

It is hereby declared that it is expedient in the public interest that the provisions of clauses 127, 128, 140, 141 and 151 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931.

**THE FIRST SCHEDULE**  
(See section 2)

**PART I**

**INCOME-TAX**

*Paragraph A*

(I) In the case of every individual other than the individual referred to in items (II), (III) and (IV) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

*Rates of income-tax*

|  |   |
|--|---|
| (1) where the total income does not exceed Rs. 1,80,000                          | <i>Nil;</i>   |
| (2) where the total income exceeds Rs. 1,80,000 but does not exceed Rs. 5,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,80,000;                        |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 8,00,000 | Rs. 32,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000; |
| (4) where the total income exceeds Rs. 8,00,000                                  | Rs. 92,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 8,00,000. |

(II) In the case of every individual, being a woman resident in India, and below the age of sixty years at any time during the previous year,—

*Rates of income-tax*

|  |   |
|--|---|
| (1) where the total income does not exceed Rs. 1,90,000                          | <i>Nil;</i>   |
| (2) where the total income exceeds Rs. 1,90,000 but does not exceed Rs. 5,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,90,000;                        |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 8,00,000 | Rs. 31,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000; |
| (4) where the total income exceeds Rs. 8,00,000                                  | Rs. 91,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 8,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

*Rates of income-tax*

|  |   |
|--|---|
| (1) where the total income does not exceed Rs. 2,50,000                          | <i>Nil;</i>   |
| (2) where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 2,50,000;                        |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 8,00,000 | Rs. 25,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000; |
| (4) where the total income exceeds Rs. 8,00,000                                  | Rs. 85,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 8,00,000. |

(IV) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

*Rates of income-tax*

|  |   |
|--|---|
| (1) where the total income does not exceed Rs. 5,00,000                          | <i>Nil;</i>   |
| (2) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 8,00,000 | 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;                        |
| (3) where the total income exceeds Rs. 8,00,000                                  | Rs. 60,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 8,00,000. |

*Paragraph B*

In the case of every co-operative society,—

*Rates of income-tax*

|  |  |
|--|--|
| (1) where the total income does not exceed Rs. 10,000                        | 10 per cent. of the total income;  |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000                                | Rs. 3,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 20,000. |

*Paragraph C*

In the case of every firm,—

*Rate of income-tax*

|                                  |              |
|----------------------------------|--------------|
| On the whole of the total income | 30 per cent. |
|----------------------------------|--------------|

*Paragraph D*

In the case of every local authority,—

*Rate of income-tax*

|                                  |              |
|----------------------------------|--------------|
| On the whole of the total income | 30 per cent. |
|----------------------------------|--------------|

*Paragraph E*

In the case of a company,—

*Rates of income-tax*

|   |                                   |
|---|-----------------------------------|
| I. In the case of a domestic company  | 30 per cent. of the total income; |
| II. In the case of a company other than a domestic company—   |                                   |
| (i) on so much of the total income as consists of,—   |                                   |
| (a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or                             |                                   |
| (b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976, |                                   |

and where such agreement has, in either case, been approved by the Central Government

50 per cent.;

|  |              |
|--|--------------|
| (ii) on the balance, if any, of the total income | 40 per cent. |
|--|--------------|

*Surcharge on income-tax*

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

(i) in the case of every domestic company having a total income exceeding one crore rupees, at the rate of five per cent. of such income-tax;

(ii) in the case of every company other than a domestic company having a total income exceeding one crore rupees, at the rate of two per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

## PART II

## RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to the deduction at the following rates:—

|  | <i>Rate of income-tax</i> |
|--|---------------------------|
| 1. In the case of a person other than a company—   |                           |
| (a) where the person is resident in India—   |                           |
| (i) on income by way of interest other than "Interest on securities"   | 10 per cent.;             |
| (ii) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort  | 30 per cent.;             |
| (iii) on income by way of winnings from horse races  | 30 per cent.;             |
| (iv) on income by way of insurance commission  | 10 per cent.;             |
| (v) on income by way of interest payable on—   | 10 per cent.;             |
| (A) any debentures or securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;   |                           |
| (B) any debentures issued by a company where such debentures are listed on a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 (42 of 1956) and any rules made thereunder;   |                           |
| (C) any security of the Central or State Government  | 10 per cent.;             |
| (vi) on any other income   | 10 per cent.;             |
| (b) where the person is not resident in India—   |                           |
| (i) in the case of a non-resident Indian—  |                           |
| (A) on any investment income   | 20 per cent.;             |
| (B) on income by way of long-term capital gains referred to in section 115E  | 10 per cent.;             |
| (C) on income by way of short-term capital gains referred to in section 111A   | 15 per cent.;             |
| (D) on other income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]   | 20 per cent.;             |
| (E) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)  | 20 per cent.;             |
| (F) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India— |                           |
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |
| (G) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(i)(F)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—  |                           |

|  | <i>Rate of income-tax</i> |
|--|---------------------------|
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |
| (H) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—  |                           |
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |
| (I) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort   | 30 per cent.;             |
| (J) on income by way of winnings from horse races  | 30 per cent.;             |
| (K) on the whole of the other income   | 30 per cent.;             |
| (ii) in the case of any other person—  |                           |
| (A) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)  | 20 per cent.;             |
| (B) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India— |                           |
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |
| (C) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(ii)(B)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—   |                           |
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |
| (D) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—  |                           |
| (I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005   | 20 per cent.;             |
| (II) where the agreement is made on or after the 1st day of June, 2005   | 10 per cent.;             |

|   |  | <i>Rate of income-tax</i> |
|---|--|---------------------------|
| (E) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort  |  | 30 per cent.;             |
| (F) on income by way of winnings from horse races   |  | 30 per cent.;             |
| (G) on income by way of short-term capital gains referred to in section 111A  |  | 15 per cent.;             |
| (H) on income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]  |  | 20 per cent.;             |
| (I) on the whole of the other income  |  | 30 per cent.;             |
| 2. In the case of a company—  |  |                           |
| (a) where the company is a domestic company—  |  |                           |
| (i) on income by way of interest other than “Interest on securities”  |  | 10 per cent.;             |
| (ii) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort   |  | 30 per cent.;             |
| (iii) on income by way of winnings from horse races   |  | 30 per cent.;             |
| (iv) on any other income  |  | 10 per cent.;             |
| (b) where the company is not a domestic company—  |  |                           |
| (i) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort  |  | 30 per cent.;             |
| (ii) on income by way of winnings from horse races  |  | 30 per cent.;             |
| (iii) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)   |  | 20 per cent.;             |
| (iv) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976 where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India— |  |                           |
| (A) where the agreement is made before the 1st day of June, 1997  |  | 30 per cent.;             |
| (B) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005  |  | 20 per cent.;             |
| (C) where the agreement is made on or after the 1st day of June, 2005   |  | 10 per cent.;             |
| (v) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(iv)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—   |  |                           |
| (A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976   |  | 50 per cent.;             |
| (B) where the agreement is made after the 31st day of March, 1976 but before the 1st day of June, 1997  |  | 30 per cent.;             |
| (C) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005  |  | 20 per cent.;             |
| (D) where the agreement is made on or after the 1st day of June, 2005   |  | 10 per cent.;             |

(vi) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976

50 per cent.;

(B) where the agreement is made after the 31st day of March, 1976 but before the 1st day of June, 1997

30 per cent.;

(C) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005

20 per cent.;

(D) where the agreement is made on or after the 1st day of June, 2005

10 per cent.;

(vii) on income by way of short-term capital gains referred to in section 111A

15 per cent.;

(viii) on income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]

20 per cent.;

(ix) on any other income

40 per cent.

*Explanation.*—For the purpose of item 1(b)(i) of this Part, “investment income” and “non-resident Indian” shall have the meanings respectively assigned to them in Chapter XII-A of the Income-tax Act.

#### *Surcharge on income-tax*

The amount of income-tax deducted in accordance with the provisions of item 2(b) of this Part, shall be increased by a surcharge, for purposes of the Union, in the case of every company other than a domestic company, calculated at the rate of two per cent. of such income-tax where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees.

### PART III

#### RATES FOR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD “SALARIES” AND COMPUTING “ADVANCE TAX”

In cases in which income-tax has to be charged under sub-section (4) of section 172 of the Income-tax Act or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or deducted from, or paid on, from income chargeable under the head “Salaries” under section 192 of the said Act or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, “advance tax” [not being “advance tax” in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or income chargeable to tax under section 115JB or section 115JC or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates as specified in that Chapter or section or surcharge, wherever applicable, on such “advance tax” in respect of any income chargeable to tax under section 115A or section 115AB or section 115AC or section 115ACA or section 115AD or section 115B or section 115BB or section 115BBA or section 115BBC or section 115BBD or section 115BBE or section 115E or section 115JB or section 115JC] shall be charged, deducted or computed at the following rate or rates:—

#### *Paragraph A*

(I) In the case of every individual other than the individual referred to in items (II) and (III) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

#### *Rates of income-tax*

|   |  |
|---|--|
| (1) where the total income does not exceed Rs. 2,00,000                           | <i>Nil;</i>  |
| (2) where the total income exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000  | 10 per cent. of the amount by which the total income exceeds Rs. 2,00,000;                           |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 30,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;    |
| (4) where the total income exceeds Rs. 10,00,000                                  | Rs. 1,30,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000. |

(II) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

*Rates of income-tax*

|   |  |
|---|--|
| (1) where the total income does not exceed Rs. 2,50,000                           | <i>Nil</i> ;   |
| (2) where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000  | 10 per cent. of the amount by which the total income exceeds Rs. 2,50,000;                           |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 25,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 10,00,000;   |
| (4) where the total income exceeds Rs. 10,00,000                                  | Rs. 1,25,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

*Rates of income-tax*

|   |  |
|---|--|
| (1) where the total income does not exceed Rs. 5,00,000                           | <i>Nil</i> ;   |
| (2) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;                           |
| (3) where the total income exceeds Rs. 10,00,000                                  | Rs. 1,00,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000. |

*Paragraph B*

In the case of every co-operative society,—

*Rates of income-tax*

|  |  |
|--|--|
| (1) where the total income does not exceed Rs. 10,000                        | 10 per cent. of the total income;  |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000                                | Rs. 3,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 20,000. |

*Paragraph C*

In the case of every firm,—

*Rate of income-tax*

On the whole of the total income 30 per cent.

*Paragraph D*

In the case of every local authority,—

*Rate of income-tax*

On the whole of the total income 30 per cent.

*Paragraph E*

In the case of a company,—

*Rates of income-tax*

I. In the case of a domestic company 30 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

50 per cent.;

(ii) on the balance, if any, of the total income

40 per cent.

*Surcharge on income-tax*

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

(i) in the case of every domestic company having a total income exceeding one crore rupees, at the rate of five per cent. of such income-tax;

(ii) in the case of every company other than a domestic company having a total income exceeding one crore rupees, at the rate of two per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

PART IV

[See section 2(13)(c)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

*Rule 1.*—Agricultural income of the nature referred to in sub-clause (a) of clause (1A) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from other sources” and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

*Rule 2.*—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1A) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling-house by the receiver of the rent or revenue of the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head “Profits and gains of business or profession” and the provisions of sections 30, 31, 32, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43, 43A, 43B and 43C of the Income-tax Act shall, so far as may be, apply accordingly.

*Rule 3.*—Agricultural income of the nature referred to in sub-clause (c) of clause (1A) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling-house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from house property” and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

*Rule 4.*—Notwithstanding anything contained in any other provisions of these rules, in a case—

(a) where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee;

(b) where the assessee derives income from sale of centrifuged latex or cenex or latex based crepes (such as pale latex crepe) or brown crepes (such as estate brown crepe, re-milled crepe, smoked blanket crepe or flat bark crepe) or technically specified block rubbers manufactured or processed by him from rubber plants grown by him in India, such income shall be computed in accordance with rule 7A of the Income-tax Rules, 1962, and sixty-five per cent. of such income shall be regarded as the agricultural income of the assessee;

(c) where the assessee derives income from sale of coffee grown and manufactured by him in India, such income shall be computed in accordance with rule 7B of the Income-tax Rules, 1962, and sixty per cent. or seventy-five per cent., as the case may be, of such income shall be regarded as the agricultural income of the assessee.

*Rule 5.*—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

*Rule 6.*—Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income:

Provided that where the assessee is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

*Rule 7.*—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

*Rule 8.*—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2012, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2012.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2013, or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011 or the 1st day of April, 2012,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2012,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2012,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2013.

(3) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in the First Schedule to the Finance (No. 2) Act, 2004 (23 of 2004) or of the First Schedule to the Finance Act, 2005 (18 of 2005), or of the First Schedule to the Finance Act, 2006 (21 of 2006) or of the First Schedule to the Finance Act, 2007 (22 of 2007) or of the First Schedule to the Finance Act, 2008 (18 of 2008) or of the First Schedule to the Finance (No. 2) Act, 2009 (33 of 2009) or of the First Schedule to the Finance Act, 2010 (14 of 2010) or of the First Schedule to the Finance Act, 2011 (8 of 2011) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

*Rule 9.*—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be *nil*.

*Rule 10.*—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

*Rule 11.*—For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

## THE SECOND SCHEDULE

(See section 125)

| Description of item and its exemption | Period of effect                        |
|---------------------------------------|---|
| (1)                                   | (2)                                     |
| Foreign-going vessels                 | 1st March, 2011 to<br>16th March, 2012. |

*Explanation.*—For the purpose of this exemption, "foreign-going vessels" shall have the meaning assigned to it under clause (21) of section 2 of the Customs Act.

## THE THIRD SCHEDULE

(See section 127)

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 24, in the entry in column (2) occurring against the tariff items 2402 20 10, 2402 20 20, 2402 20 30 and 2402 20 40, for the figures and word "60 millimetres", the figures and word "65 millimetres" shall be substituted;

(2) in Chapter 26, in heading 2601, in sub-heading 2601 11, for tariff items 2601 11 10 to 2601 11 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

| Tariff Item | Description of goods  | Unit | Rate of Duty | Standard<br>Preferential<br>Area |
|-------------|---|------|--------------|----------------------------------|
| (1)         | (2)   | (3)  | (4)          | (5)                              |
| 2601 11 11  | "--- Iron ore lumps (60% Fe or more)  | Kg.  | 10%          | -                                |
| 2601 11 12  | ---- 60% Fe or more but below 62% Fe  | Kg.  | 10%          | -                                |
| 2601 11 19  | ---- 62% Fe or more but below 65% Fe  | Kg.  | 10%          | -                                |
| 2601 11 21  | ---- 65% Fe and above   | Kg.  | 10%          | -                                |
| 2601 11 22  | --- Iron ore lumps (below 60% Fe, including black iron ore containing up to 10% Mn) | Kg.  | 10%          | -                                |
| 2601 11 29  | ---- below 55% Fe   | Kg.  | 10%          | -                                |
| 2601 11 31  | ---- 55% Fe or more but below 58% Fe  | Kg.  | 10%          | -                                |
| 2601 11 39  | ---- 58% Fe or more but below 60% Fe  | Kg.  | 10%          | -                                |
| 2601 11 41  | --- Iron ore fines (62% Fe or more)   | Kg.  | 10%          | -                                |
| 2601 11 42  | ---- 62% Fe or more but below 65% Fe  | Kg.  | 10%          | -                                |
| 2601 11 43  | ---- 65% Fe and above   | Kg.  | 10%          | -                                |
| 2601 11 49  | --- Iron ore Fines (below 62% Fe)   | Kg.  | 10%          | -                                |
| 2601 11 50  | ---- below 55% Fe   | Kg.  | 10%          | -                                |
| 2601 11 42  | ---- 55% Fe or more but below 58% Fe  | Kg.  | 10%          | -                                |
| 2601 11 43  | ---- 58% Fe or more but below 60% Fe  | Kg.  | 10%          | -                                |
| 2601 11 49  | ---- 60% Fe or more but below 62% Fe  | Kg.  | 10%          | -                                |
| 2601 11 50  | --- Iron ore concentrates   | Kg.  | 10%          | -                                |
| 2601 11 90  | ---- Others   | Kg.  | 10%          | -                                |

(3) in Chapter 48, after Note 12, the following Note shall be inserted, namely:—

"13. Notwithstanding anything contained in Note 12, if paper and paper products of heading 4811, 4816 or 4820 are printed with any character, name, logo, motif or format, they shall remain classified under the respective headings as long as such products are intended to be used for further printing or writing.";

(4) in Chapter 74, in heading 7404,—

(a) in tariff item 7404 00 12, in the entry in column (2), for the words "ISRI code word 'Palms'", the following words shall be substituted, namely:—

"ISRI code word 'Palms';

Miscellaneous copper-containing skimmings, grindings, ashes, iron brass and copper, residues and slags covered by ISRI code word 'Drove';

Copper wire scrap with various types of insulation covered by ISRI code word 'Druid"';

(b) in tariff item 7404 00 22, in the entry in column (2), for the words "ISRI code word 'Parch'", the following words shall be substituted, namely, —

"ISRI code word 'Parch';

High Grade-Low Lead Bronze/Brass Solids covered by ISRI code word 'Eland';

High lead bronze solids and borings covered by ISRI code word 'Elias';

Clean fired 70/30 brass shell cases free of primers and any other foreign material covered by ISRI code word 'Lace';

Clean fired 70/30 brass shell cases containing the brass primers and containing no other foreign material covered by ISRI code word 'Lady';

Clean fired 70/30 brass shells free of bullets, iron and any other foreign material covered by ISRI code word 'Lake';

Clean muffled (popped) 70/30 brass shells free of bullets, iron and any other foreign material covered by ISRI code word 'Lamb';

(5) in Chapter 75, in tariff item 7503 00 10, in the entry in column (2), for the words "other floating structures", the following words shall be substituted, namely:—

"other floating structures;

Nickel-iron batteries to be sold free of crates, copper terminal connectors and excess liquid, must be free of nickel cadmium batteries covered by ISRI code word 'Vaunt';

(6) in Chapter 76, in heading 7602, in tariff item 7602 00 10, in column (2),—

(a) for the words "ISRI code word 'Talap'", the words "ISRI code word 'Talc'" shall be substituted;

(b) for the words "ISRI code word 'Tanri'", the words "ISRI code word 'Tann'" shall be substituted;

(c) for the words "old aluminium foil covered by ISRI code word 'Testy'", the following words shall be substituted, namely:—

"New aluminium foil covered by ISRI code word 'Tetra';

Old aluminium foil covered by ISRI code word 'Tesla';;

(d) for the words "ISRI code word 'Twitch'", the following words and brackets shall be substituted, namely:—

"ISRI code word 'Twitch';

Aluminium auto or truck wheels covered by ISRI code word 'Troma';

Fragmentizer aluminium scrap from automobile shredders covered by ISRI code word 'Tweak';

Burnt Fragmentizer aluminium scrap (from automobile shredders) covered by ISRI code word 'Twire';

Shredded non-ferrous scrap (predominantly aluminium) covered by ISRI code word 'Zorba';

Aluminium drosses, spatters, spellings, skimmings and sweepings covered by ISRI code word 'Thirl';

New production aluminium extrusions covered by ISRI code word 'Tata';

All aluminium radiators from automobiles covered by ISRI code word 'Tally';

Aluminium extrusions '10/10' covered by ISRI code word 'Toto';

Aluminium extrusions dealer grade covered by the word 'Tutu"';

(7) in Chapter 78, in tariff item 7802 00 10, in the entry in column (2), for the words "ISRI code word 'Roses'", the following words and brackets shall be substituted, namely:—

"ISRI code word 'Roses';

Lead battery plates whether automotive, industrial or mixed covered by ISRI code word 'Rails';

Scrap drained/dry whole intact lead covered by ISRI code word 'Rains';

Battery lugs free of scrap lead, wheel weights, battery plates, rubber or plastic case material and other foreign material covered by ISRI code word 'Rakes';

Lead covered copper cable free of armoured covered cable and foreign material covered by ISRI code word 'Relay';

Lead dross covered by ISRI code word 'Rents';

Scrap wet whole intact lead batteries consisting of SLI (starting, lighting and ignition), automotive, truck, 8-D and commercial golf cart and marine type batteries covered by ISRI code word 'Rink';

Scrap industrial intact lead cells consisting of plates enclosed by some form of complete plastic case covered by ISRI code word 'Rono';

Scrap whole Intact Industrial Lead Batteries Consisting of bus, diesel, locomotive, telephone or steel cased batteries covered by ISRI code word 'Roper";

(8) in Chapter 79, in tariff item 7902 00 10, in the entry in column (2), for the word "oxidation", the following words shall be substituted, namely:—

"oxidation";

Unsorted zinc die cast scrap produced from automobile fragmentizers containing about 55% zinc-bearing scrap covered by ISRI code word 'Scroll"';

(9) in Chapter 87,—

(a) in tariff item 8712 00 10, for the entry in column (4), the entry "30%" shall be substituted;

(b) in tariff items 8714 91 00 to 8714 99 90, for the entry in column (4), the entry "20%" shall be substituted.

#### THE FOURTH SCHEDULE (See section 128)

In the Second Schedule to the Customs Tariff Act, against Sl. No. 24 relating to Chromium ore and concentrates, all sorts, for the entry in column (4), the entry "30%" shall be substituted.

#### THE FIFTH SCHEDULE (See section 139)

| Notification number<br>and date  | Amendment  | Date of effect of<br>amendment |
|--|--|--------------------------------|
| (1)  | (2)  | (3)                            |
| G.S.R. 62 (E), dated the<br>6th February, 2010<br>[1/2010-Central Excise,<br>dated the 6th February,<br>2010]. | In the said notification, in paragraph 9, for the words "from the date of<br>publication of this notification or from the date of commercial production<br>whichever is later", the following words shall be substituted, namely:—<br><br>"from the date of commercial production, or from the date of commercial<br>production from the expanded capacity referred to in sub-clause (i) of<br>clause (b) of paragraph 8, as the case may be". | 6th day of February,<br>2010.  |

**THE SIXTH SCHEDULE**  
(See section 140)

In the Third Schedule to the Central Excise Act, after S. No. 26 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:—

| S.No. | Heading, sub-heading or tariff item | Description of goods |
|-------|-------------------------------------|----------------------|
| (1)   | (2)                                 | (3)                  |
| "26A  | 2402 20 10 to 2402 20 90            | All goods".          |

**THE SEVENTH SCHEDULE**  
(See section 141)

In the First Schedule to the Central Excise Tariff Act,—

- (1) in Chapter 4, in tariff items 0402 91 10 and 0402 99 20, for the entry in column (4), the entry "12%" shall be substituted;
- (2) in Chapter 11,—
  - (a) for the entry in column (4) occurring against all the tariff items of heading 1107, the entry "12%" shall be substituted;
  - (b) for the entry in column (4) occurring against all the tariff items of heading 1108 (except tariff item 1108 20 00), the entry "12%" shall be substituted;
- (3) in Chapter 13, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;
- (4) in Chapter 14, in tariff item 1404 90 50, for the entry in column (4), the entry "6%" shall be substituted;
- (5) in Chapter 15,—
  - (a) in all the tariff items of headings 1501 and 1502, for the entry in column (4), the entry "6%" shall be substituted;
  - (b) in tariff item 1503 00 00, for the entry in column (4), the entry "6%" shall be substituted;
  - (c) in the tariff items of headings 1504 to 1516 and 1517 (except 1517 10 22), for the entry in column (4), the entry "6%" shall be substituted;
  - (d) in tariff item 1517 10 22, for the entry in column (4), the entry "12%" shall be substituted;
  - (e) in all the tariff items of heading 1518, for the entry in column (4), the entry "6%" shall be substituted;
  - (f) in tariff item 1520 00 00, for the entry in column (4), the entry "12%" shall be substituted;
  - (g) in all the tariff items of headings 1521 and 1522, for the entry in column (4), the entry "12%" shall be substituted;
- (6) in Chapter 16, for the entry in column (4) occurring against all the tariff items, the entry "6%" shall be substituted;
- (7) in Chapter 17,—
  - (a) for the entry in column (4) occurring against all the tariff items of headings 1701 (except tariff items 1701 13 20 and 1701 14 20), 1702 (except tariff item 1702 90 10) and 1704, the entry "12%" shall be substituted;
  - (b) in tariff items 1701 13 20 and 1701 14 20, for the entry in column (4), the entry "6%" shall be substituted;
- (8) in Chapter 18, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;
- (9) in Chapter 19,—
  - (a) in tariff items 1901 10 10 and 1901 10 90, for the entry in column (4), the entry "6%" shall be substituted;
  - (b) in tariff items 1901 20 00, 1901 90 10 and 1901 90 90, for the entry in column (4), the entry "12%" shall be substituted;
  - (c) in tariff items 1902 11 00, 1902 19 00, 1902 20 10, 1902 20 90, 1902 30 10 and 1902 30 90, for the entry in column (4), the entry "6%" shall be substituted;

- (d) in tariff items 1902 40 10 and 1902 40 90, for the entry in column (4), the entry "12%" shall be substituted;
- (e) in tariff item 1903 00 00, for the entry in column (4), the entry "6%" shall be substituted;
- (f) for the entry in column (4) occurring against all the tariff items of heading 1904, the entry "12%" shall be substituted;
- (g) in tariff item 1905 31 00, for the entry in column (4), the entry "6%" shall be substituted;
- (h) in tariff items 1905 32 11, 1905 32 19 and 1905 32 90, for the entry in column (4), the entry "12%" shall be substituted;
- (i) in tariff items 1905 90 10 and 1905 90 20, for the entry in column (4), the entry "6%" shall be substituted;
- (10) in Chapter 20, for the entry in column (4) occurring against all the tariff items, the entry "6%" shall be substituted;
- (11) in Chapter 21,—
  - (a) for the entry in column (4) occurring against all the tariff items of heading 2101 (except tariff items 2101 30 10, 2101 30 20 and 2101 30 90), the entry "12%" shall be substituted;
  - (b) for the entry in column (4) occurring against all the tariff items of headings 2102, 2103 and 2104, the entry "12%" shall be substituted;
  - (c) in tariff item 2105 00 00, for the entry in column (4), the entry "6%" shall be substituted;
  - (d) for the entry in column (4) occurring against all the tariff items of heading 2106 (except 2106 90 20 and 2106 90 92), the entry "12%" shall be substituted;
  - (e) in tariff item 2106 90 92, for the entry in column (4), the entry "6%" shall be substituted;
- (12) in Chapter 22,—
  - (a) for the entry in column (4) occurring against all the tariff items of heading 2201 (except 2201 90 10), the entry "12%" shall be substituted;
  - (b) for the entry in column (4) occurring against all the tariff items of heading 2202 (except 2202 90 10 and 2202 90 20), the entry "12%" shall be substituted;
  - (c) in tariff items 2202 90 10 and 2202 90 20, for the entry in column (4), the entry "6%" shall be substituted;
  - (d) in tariff item 2207 20 00, for the entry in column (4), the entry "12%" shall be substituted;
  - (e) for the entry in column (4) occurring against all the tariff items of heading 2209, the entry "12%" shall be substituted;
- (13) in Chapter 24,—
  - (a) in tariff items 2402 10 10 and 2402 10 20, for the entry in column (4), the entry "12% or Rs. 1370 per thousand, whichever is higher" shall be substituted;
  - (b) in the entry in column (2) occurring against the tariff item 2402 20 10, for the figures and word "60 millimetres", the figures and word "65 millimetres" shall be substituted;
  - (c) in tariff item 2402 20 20,—
    - (i) in the entry in column (2), for the figures and word "60 millimetres", the figures and word "65 millimetres" shall be substituted;
    - (ii) for the entry in column (4), the entry "10% + Rs. 1218 per thousand" shall be substituted;
  - (d) in the entries in column (2) occurring against the tariff item 2402 20 30, for the figures and word "60 millimetres", the figures and word "65 millimetres" shall be substituted;
  - (e) in tariff item 2402 20 40,—
    - (i) in the entry in column (2), for the figures and word "60 millimetres", the figures and word "65 millimetres" shall be substituted;
    - (ii) for the entry in column (4), the entry "10% + Rs. 809 per thousand" shall be substituted;
  - (f) in tariff item 2402 20 50, for the entry in column (4), the entry "10% + Rs. 1218 per thousand" shall be substituted;
  - (g) in tariff item 2402 20 60, for the entry in column (4), the entry "10% + Rs. 1624 per thousand" shall be substituted;
  - (h) in tariff item 2402 20 90, for the entry in column (4), the entry "10% + Rs. 1948 per thousand" shall be substituted;

(14) in Chapter 25,—

- (a) in Note 6, the words "or polishing" shall be omitted;
- (b) in tariff item 2503 00 10, for the entry in column (4), the entry "12%" shall be substituted;
- (c) in tariff items 2515 12 20 and 2515 12 90, for the entry in column (4), the entry "12%" shall be substituted;
- (d) in tariff item 2523 10 00, for the entry in column (4), the entry "12%" shall be substituted;
- (e) in tariff item 2523 21 00, for the entry in column (4), the entry "12%" shall be substituted;
- (f) in tariff items 2523 30 00, 2523 90 10, 2523 90 20 and 2523 90 90, for the entry in column (4), the entry "12%" shall be substituted;

(15) in Chapter 26,—

- (a) in heading 2601, for the tariff items 2601 11 10 to 2601 11 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

| (1)   | (2)                                  | (3) | (4)   |
|---|--------------------------------------|-----|-------|
| "--- Iron ore lumps (60% Fe or more)  |                                      |     |       |
| 2601 11 11  | ---- 60% Fe or more but below 62% Fe | Kg. | 12%   |
| 2601 11 12  | ---- 62% Fe or more but below 65% Fe | Kg. | 12%   |
| 2601 11 19  | ---- above 65% Fe                    | Kg. | 12%   |
| --- Iron ore lumps (below 60% Fe, including black iron ore containing up to 10% Mn) |                                      |     |       |
| 2601 11 21  | ---- below 55% Fe                    | Kg. | 12%   |
| 2601 11 22  | ---- 55% Fe or more but below 58% Fe | Kg. | 12%   |
| 2601 11 29  | ---- 58% Fe or more but below 60% Fe | Kg. | 12%   |
| --- Iron ore fines (62% Fe or more)   |                                      |     |       |
| 2601 11 31  | ---- 62% Fe or more but below 65% Fe | Kg. | 12%   |
| 2601 11 39  | ---- above 65% Fe                    | Kg. | 12%   |
| --- Iron ore Fines (below 62% Fe)   |                                      |     |       |
| 2601 11 41  | ---- below 55% Fe                    | Kg. | 12%   |
| 2601 11 42  | ---- 55% Fe or more but below 58% Fe | Kg. | 12%   |
| 2601 11 43  | ---- 58% Fe or more but below 60% Fe | Kg. | 12%   |
| 2601 11 49  | ---- 60% Fe or more but below 62% Fe | Kg. | 12%   |
| 2601 11 50  | --- Iron ore concentrates            | Kg. | 12%   |
| 2601 11 90  | --- Others                           | Kg. | 12%"; |

- (b) in tariff items 2601 12 10, 2601 12 90 and 2601 20 00, for the entry in column (4), the entry "12%" shall be substituted;
- (c) for the entry in column (4) occurring against all the tariff items in heading 2602, the entry "12%" shall be substituted;

- (d) in tariff items 2603 00 00, 2604 00 00 and 2605 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (e) for the entry in column (4) occurring against all the tariff items in heading 2606, the entry "12%" shall be substituted;
- (f) in tariff items 2607 00 00, 2608 00 00 and 2609 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (g) for the entry in column (4) occurring against all the tariff items in heading 2610, the entry "12%" shall be substituted;
- (h) in tariff item 2611 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (i) for the entry in column (4) occurring against all the tariff items in heading 2612, 2613, 2614, 2615, 2616, and 2617, the entry "12%" shall be substituted;
- (j) in tariff item 2618 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (k) for the entry in column (4) occurring against all the tariff items in heading 2619, 2620 and 2621, the entry "12%" shall be substituted;

(16) in Chapter 27,—

- (a) for the entry in column (4) occurring against all the tariff items of headings 2701, 2702, 2703, 2704 and 2706, the entry "6%" shall be substituted;
- (b) for the entry in column (4) occurring against all the tariff items of headings 2707 and 2708, the entry "14%" shall be substituted;
- (c) in tariff items 2710 12 11 to 2710 12 90, in column (4), for the entry "16% + Rs. 15 per litre", the entry "14% + Rs. 15 per litre" shall be substituted;
- (d) in tariff items 2710 19 10 and 2710 19 20, for the entry in column (4), the entry "14%" shall be substituted;
- (e) in tariff items 2710 19 30 and 2710 19 40, in column (4), for the entry "16% + Rs. 5 per litre", the entry "14% + Rs. 5 per litre" shall be substituted;
- (f) in tariff items 2710 19 50, 2710 19 60, 2710 19 70, 2710 19 80 and 2710 19 90, for the entry in column (4), the entry "14%" shall be substituted;
- (g) in tariff item 2710 20 00, for the entry in column (4), the entry "14% + Rs. 15 per litre" shall be substituted;
- (h) for the entry in column (4) occurring against all the tariff items of headings 2711, 2712, 2713, 2714 and 2715, the entry "14%" shall be substituted;

(17) in Chapter 28,—

- (a) for the entry in column (4) occurring against all the tariff items of headings 2801, 2802, 2803, 2804 (except 2804 40 10), 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2839, 2840, 2841, 2842, 2843 and 2844 (except 2844 30 22), the entry "12%" shall be substituted;
- (b) in tariff item 2845 90 90, for the entry in column (4), the entry "12%" shall be substituted;
- (c) for the entry in column (4) occurring against all the tariff items of heading 2846, the entry "12%" shall be substituted;
- (d) in tariff item 2847 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (e) for the entry in column (4) occurring against all the tariff items of headings 2848, 2849 and 2850, the entry "12%" shall be substituted;
- (f) in tariff item 2852 00 00, for the entry in column (4), the entry "12%" shall be substituted;
- (g) for the entry in column (4) occurring against all the tariff items of headings 2853 (except 2853 00 30), the entry "12%" shall be substituted;

(18) in Chapter 29, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(19) in Chapter 30,—

- (a) for the entry in column (4) occurring against all the tariff items of heading 3001, the entry "6%" shall be substituted;
- (b) in tariff items 3002 20 11 to 3002 30 00, for the entry in column (4), the entry "6%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 3003, 3004 and 3005, for the entry in column (4), the entry "6%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of heading 3006 (except 3006 60 10, 3006 60 20, 3006 60 30 and 3006 92 00), for the entry in column (4), the entry "6%" shall be substituted;

(20) in Chapter 31, for the entry in column (4) occurring against all the tariff items of headings 3102, 3103, 3104 and 3105, the entry "12%" shall be substituted;

(21) in Chapter 32,—

(a) for the entry in column (4) occurring against all the tariff items (except 3215 90 10 and 3215 90 20), the entry "12%" shall be substituted;

(b) in tariff items 3215 90 10 and 3215 90 20, for the entry in column (4), the entry "6%" shall be substituted;

(22) in Chapter 33, for the entry in column (4) occurring against all the tariff items of headings 3301, 3302, 3303, 3304, 3305, 3306 and 3307 (except 3307 41 00), the entry "12%" shall be substituted;

(23) in Chapter 34, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(24) in Chapter 35, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(25) in Chapter 36, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(26) in Chapter 37, for the entry in column (4) occurring against all the tariff items of headings 3701, 3702, 3703, 3704 and 3707, for the entry in column (4), the entry "12%" shall be substituted;

(27) in Chapter 38,—

(a) for the entry in column (4) occurring against all the tariff items (except 3824 50 10, 3825 10 00, 3825 20 00 and 3825 30 00), the entry "12%" shall be substituted;

(b) in tariff item 3824 50 10, for the entry in column (4), the entry "6%" shall be substituted;

(28) in Chapter 39,—

(a) for the entry in column (4) occurring against all the tariff items (except 3916 10 20, 3916 20 11, 3916 20 91 and 3916 90 10), the entry "12%" shall be substituted;

(b) in tariff items 3916 10 20, 3916 20 11, 3916 20 91 and 3916 90 10, for the entry in column (4), the entry "6%" shall be substituted;

(29) in Chapter 40,—

(a) for the entry in column (4) occurring against all the tariff items of heading 4002, the entry "12%" shall be substituted;

(b) in tariff items 4003 00 00 and 4004 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 4005, 4006, 4007, 4008 (except 4008 19 10, 4008 21 10 and 4008 29 20), 4009, 4010 and 4011, the entry "12%" shall be substituted;

(d) in tariff items 4012 90 10 to 4012 90 90, for the entry in column (4), the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of headings 4013, 4014 (except 4014 10 10 and 4014 10 20), 4015, 4016 and 4017, the entry "12%" shall be substituted;

(30) in Chapter 42, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(31) in Chapter 43, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(32) in Chapter 44,—

(a) for the entry in column (4) occurring against all the tariff items of headings 4401, 4403, 4404, 4406, 4408 (except 4408 10 30, 4408 31 30, 4408 39 30 and 4408 90 20), 4409, 4410, 4411 and 4412, the entry "12%" shall be substituted;

(b) in tariff items 4413 00 00 and 4414 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 4415 and 4416, the entry "12%" shall be substituted;

(d) in tariff item 4417 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of headings 4418, 4419, 4420 and 4421, the entry "12%" shall be substituted;

(33) in Chapter 45, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(34) in Chapter 46, for the entry in column (4) occurring against all the tariff items, the entry "6%" shall be substituted;

(35) in Chapter 47,—

(a) in tariff items 4701 00 00 and 4702 00 00, for the entry in column (4), the entry "6%" shall be substituted;

(b) for the entry in column (4) occurring against all the tariff items of headings 4703 and 4704, the entry "6%" shall be substituted;

(c) in tariff item 4705 00 00, for the entry in column (4), the entry "6%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of heading 4706, the entry "6%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 4707, the entry "12%" shall be substituted;

(36) in Chapter 48,—

(a) after Note 13, the following Note shall be inserted, namely:—

"14. Notwithstanding anything contained in Note 12, if the paper and paper products of headings 4811, 4816 or 4820 are printed with any character, name, logo, motif or format, they shall remain classified under the respective headings as long as such products are intended to be used for further printing or writing.":

(b) for the entry in column (4) occurring against all the tariff items of heading 4802, the entry "6%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of heading 4803, the entry "12%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of headings 4804 and 4805, the entry "6%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 4806 (except 4806 20 00 and 4806 40 10), the entry "12%" shall be substituted;

(f) in tariff items 4806 20 00 and 4806 40 10, for the entry in column (4), the entry "6%" shall be substituted;

(g) for the entry in column (4) occurring against all the tariff items of headings 4807 and 4808, the entry "6%" shall be substituted;

(h) for the entry in column (4) occurring against all the tariff items of heading 4809, the entry "12%" shall be substituted;

(i) for the entry in column (4) occurring against all the tariff items of heading 4810, the entry "6%" shall be substituted;

(j) for the entry in column (4) occurring against all the tariff items of heading 4811, the entry "12%" shall be substituted;

(k) in tariff item 4812 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(l) for the entry in column (4) occurring against all the tariff items of headings 4813, 4814 and 4816, the entry "12%" shall be substituted;

(m) in tariff items 4817 10 00 and 4817 20 00, for the entry in column (4), the entry "6%" shall be substituted;

(n) for the entry in column (4) occurring against all the tariff items of headings 4818, 4819 (except 4819 20 10), 4820, 4821, 4822 and 4823 (except 4823 90 11), the entry "12%" shall be substituted;

(37) in Chapter 49,—

(a) for the entry in column (4) occurring against all the tariff items of heading 4908, the entry "12%" shall be substituted;

(b) for the entry in column (4) occurring against all the tariff items of headings 4909 and 4910, the entry "6%" shall be substituted;

(38) in Chapter 50, for the entry in column (4) occurring against all the tariff items of headings 5004, 5005, 5006 and 5007, the entry "12%" shall be substituted;

(39) in Chapter 51, for the entry in column (4) occurring against all the tariff items of headings 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112 and 5113, the entry "12%" shall be substituted;

(40) in Chapter 52, for the entry in column (4) occurring against all the tariff items of headings 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211 and 5212, the entry "12%" shall be substituted;

(41) in Chapter 53, for the entry in column (4) occurring against all the tariff items of headings 5302, 5305, 5306, 5307 (except 5307 10 90), 5308 (except 5308 10 10, 5308 10 20 and 5308 10 90), 5309, 5310 and 5311, the entry "12%" shall be substituted;

(42) in Chapter 54, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(43) in Chapter 55, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(44) in Chapter 56, for the entry in column (4) occurring against all the tariff items of headings 5601, 5602, 5603, 5604, 5605, 5606, 5607, 5608 and 5609, the entry "12%" shall be substituted;

(45) in Chapter 57, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(46) in Chapter 58,—

(a) for the entry in column (4) occurring against all the tariff items of heading 5801 (except 5801 35 00), the entry "12%" shall be substituted;

(b) for the entry in column (4) occurring against all the tariff items of headings 5802, 5803 and 5804 (except 5804 30 00), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of heading 5805, the entry "6%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of heading 5806, the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 5807, the entry "6%" shall be substituted;

(f) for the entry in column (4) occurring against all the tariff items of headings 5808, 5809, 5810 and 5811, the entry "12%" shall be substituted;

(47) in Chapter 59, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(48) in Chapter 60, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(49) in Chapter 61, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(50) in Chapter 62, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(51) in Chapter 63,—

(a) for the entry in column (4) occurring against all the tariff items of headings 6301, 6302, 6303, 6304, 6305, 6306 and 6307, the entry "12%" shall be substituted;

(b) in tariff item 6308 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(52) in Chapter 64, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(53) in Chapter 65,—

(a) for the entry in column (4) occurring against all the tariff items of headings 6501 and 6502, the entry "12%" shall be substituted;

(b) in tariff item 6504 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 6505 and 6506, the entry "12%" shall be substituted;

(d) in tariff item 6507 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(54) in Chapter 66,—

(a) for the entry in column (4) occurring against all the tariff items of heading 6601, the entry "6%" shall be substituted;

(b) in tariff item 6602 00 00, for the entry in column (4), the entry "6%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of heading 6603, the entry "12%" shall be substituted;

(55) in Chapter 67, for the entry in column (4) occurring against all the tariff items of headings 6702, 6703 and 6704, the entry "12%" shall be substituted;

(56) in Chapter 68, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(57) in Chapter 69,—

(a) for the entry in column (4) occurring against all the tariff items (except 6901 00 10 and 6904 10 00), the entry "12%" shall be substituted;

(b) in tariff items 6901 00 10 and 6904 10 00, for the entry in column (4), the entry "6%" shall be substituted;

(58) in Chapter 70,—

(a) for the entry in column (4) occurring against all the tariff items (except 7012 00 00, 7018 10 10, 7018 10 20, 7020 00 11, 7020 00 12 and 7020 00 21), the entry "12%" shall be substituted;

(b) in tariff items 7020 00 11, 7020 00 12 and 7020 00 21, for the entry in column (4), the entry "6%" shall be substituted;

(59) in Chapter 71,—

(a) for Note 13, the following Note shall be substituted, namely:—

'13. For the purposes of headings 7113 and 7114, the processes of affixing or embossing trade name or brand name on articles of jewellery or on articles of goldsmiths' or silversmiths' wares of precious metal or of metal clad with precious metal, shall amount to "manufacture";

(b) for the entry in column (4) occurring against all the tariff items of heading 7101, 7103, 7104 (except 7104 10 00), 7105 and 7106, the entry "12%" shall be substituted;

(c) in tariff item 7104 10 00, for the entry in column (4), the entry "6%" shall be substituted;

(d) in tariff item 7107 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 7108, the entry "12%" shall be substituted;

(f) in tariff item 7109 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(g) for the entry in column (4) occurring against all the tariff items of heading 7110, the entry "12%" shall be substituted;

(h) in tariff item 7111 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(i) for the entry in column (4) occurring against all the tariff items of headings 7112, 7113, 7114, 7115 and 7116, the entry "12%" shall be substituted;

(j) for the entry in column (4) occurring against all the tariff items of heading 7117, the entry "6%" shall be substituted;

(k) for the entry in column (4) occurring against all the tariff items of heading 7118, the entry "12%" shall be substituted;

(60) in Chapter 72,—

(a) after Note 5, the following Note shall be inserted, namely:—

'6. In relation to the products of heading 7208, the process of oiling and pickling shall amount to "manufacture";

(b) for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(61) in Chapter 73, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(62) in Chapter 74,—

(a) in headings 7401, 7402 and 7403, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(b) in heading 7404,—

(i) in tariff item 7404 00 11, for the entry in column (4), the entry "12%" shall be substituted;

(ii) in tariff item 7404 00 12,—

(A) in the entry in column (2), for the words "ISRI code word 'Palms'", the following words shall be substituted, namely:—

"ISRI code word 'Palms';

miscellaneous copper-containing skimmings, grindings, ashes, iron brass and copper, residues and slags covered by ISRI code word 'Drove';

copper wire scrap with various types of insulation covered by ISRI code word 'Druid'";

(B) for the entry in column (4), the entry "12%" shall be substituted;

(iii) in tariff item 7404 00 19 and 7404 00 21, for the entry in column (4), the entry "12%" shall be substituted;

(iv) in tariff item 7404 00 22,—

(A) in the entry in column (2), for the words "ISRI code word 'Parch' ", the following words shall be substituted, namely:—

"ISRI code word 'Parch';

high grade-low lead bronze/brass solids covered by ISRI code word 'Eland';

high lead bronze solids and borings covered by ISRI code word 'Elias';

clean fired 70/30 brass shell cases free of primers and any other foreign material covered by ISRI code word 'Lace';

clean fired 70/30 brass shell cases containing the brass primers, and containing no other foreign material covered by ISRI code word 'Lady';

clean fired 70/30 brass shells free of bullets, iron and any other foreign material covered by ISRI code word 'Lake';

clean muffled (popped) 70/30 brass shells free of bullets, iron and any other foreign material covered by ISRI code word 'Lamb';

(B) for the entry in column (4), the entry "12%" shall be substituted;

(v) in tariff items 7404 00 23 and 7404 00 29, for the entry in column (4), the entry "12%" shall be substituted;

(c) in tariff item 7405 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(d) in headings 7406, 7407, 7408, 7409, 7410, 7411 and 7412, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(e) in tariff item 7413 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(f) for the entry in column (4) occurring against all the tariff items of headings 7415, 7418 and 7419, the entry "12%" shall be substituted;

(63) in Chapter 75,—

(a) for the entry in column (4) occurring against all the tariff items of headings 7501 and 7502, the entry "12%" shall be substituted;

(b) in tariff item 7503 00 10,—

(A) in the entry in column (2), for the words "other floating structures", the following words shall be substituted, namely:—

"other floating structures;

nickel-iron batteries to be sold free of crates, copper terminal connectors and excess liquid, must be free of nickel cadmium batteries covered by ISRI code word 'Vaunt';

(B) for the entry in column (4), the entry "12%" shall be substituted;

(c) in tariff items 7503 00 90 and 7504 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of headings 7505, 7506, 7507 and 7508, the entry "12%" shall be substituted;

(64) in Chapter 76,—

(a) after Note 2, the following Note shall be inserted, namely:—

'3. In relation to the products of heading 7607, the process of cutting, slitting and printing of aluminium foils shall amount to "manufacture";'

(b) for the entry in column (4) occurring against all the tariff items of heading 7601, the entry "12%" shall be substituted;

(c) in heading 7602,—

(i) in tariff item 7602 00 10,—

(A) in column (2),—

(I) for the words "ISRI code word 'Talap' ", the words "ISRI code word 'Talc' " shall be substituted;

(II) for the words "ISRI code word 'Tanri' ", the words "ISRI code word 'Tann' " shall be substituted;  
 (III) for the words "old aluminium foil covered by ISRI code word 'Testy' ", the words "new aluminium foil covered by ISRI code word 'Tetra'";

old aluminium foil covered by ISRI code word 'Tesla';" shall be substituted;

(IV) for the word "ISRI code word 'Twang' ", the following words and brackets shall be substituted, namely:—

"ISRI code word 'Twang';

aluminium auto or truck wheels covered by ISRI code word 'Troma';

fragmentizer aluminium scrap from automobile shredders covered by ISRI code word 'Tweak';

burnt Fragmentizer aluminium scrap (from automobile shredders) covered by ISRI code word 'Twire';

shredded non-ferrous scrap (predominantly aluminium) covered by ISRI code word 'Zorba';

aluminium drosses, spatters, spellings, skimmings and sweepings covered by ISRI code word 'Thirl';

new production aluminium extrusions covered by ISRI code word 'Tata';

all aluminium radiators from automobiles covered by ISRI code word 'Tally';

aluminium extrusions '10/10' covered by ISRI code word 'Toto';

aluminium extrusions dealer grade covered by the word 'Tutu";

(B) for the entry in column (4), the entry "12%" shall be substituted;

(ii) in tariff item 7602 00 90, for the entry in column (4), the entry "12%" shall be substituted;

(iii) for the entry in column (4), occurring against all the tariff items of headings 7603, 7604, 7605, 7606, 7607 and 7608, the entry "12%" shall be substituted;

(iv) in tariff item 7609 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(v) for the entry in column (4), occurring against all the tariff items of heading 7610, the entry "12%" shall be substituted;

(vi) in tariff item 7611 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of headings 7612, 7613, 7614, 7615 and 7616, the entry "12%" shall be substituted;

(65) in Chapter 78,—

(a) for the entry in column (4) occurring against all the tariff items of heading 7801, the entry "12%" shall be substituted;

(b) in tariff item 7802 00 10,—

(i) in the entry in column (2), for the words "ISRI code word 'Roses' ", the following words shall be substituted, namely:—

"ISRI code word 'Roses';

lead battery plates whether automotive, industrial or mixed covered by ISRI code word 'Rails';

scrap drained/dry whole intact lead covered by ISRI code word 'Rains';

battery lugs free of scrap lead, wheel weights, battery plates, rubber or plastic case material and other foreign material covered by ISRI code word 'Rakes';

lead covered copper cable free of armoured covered cable and foreign material covered by ISRI code word 'Relay';

lead dross covered by ISRI code word 'Rents';

scrap wet whole intact lead batteries consisting of SLI (starting, lighting and ignition), automotive, truck, 8-D and commercial golf cart and marine type batteries covered by ISRI code word 'Rink';

scrap industrial intact lead cells consisting of plates enclosed by some form of complete plastic case covered by ISRI code word 'Rono';

scrap whole Intact Industrial Lead Batteries consisting of bus, diesel, locomotive, telephone or steel cased batteries covered by ISRI code word 'Roper";

(ii) for the entry in column (4), the entry "12%" shall be substituted;

(c) in tariff item 7802 00 90, for the entry in column (4), the entry "12%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of headings 7804 and 7806, the entry "12%" shall be substituted;

(66) in Chapter 79,—

(a) for the entry in column (4) occurring against all the tariff items of heading 7901, the entry "12%" shall be substituted;

(b) in tariff item 7902 00 10,—

(i) in the entry in column (2), for the word 'oxidation', the following words shall be substituted, namely:—

"oxidation;

unsorted zinc die cast scrap produced from automobile fragmentizers containing about 55% zinc-bearing scrap covered by ISRI code word 'Scroll'";

(ii) for the entry in column (4), the entry "12%" shall be substituted;

(c) in tariff item 7902 00 90, for the entry in column (4), the entry "12%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of headings 7903, 7904, 7905 and 7907, the entry "12%" shall be substituted;

(67) in Chapter 80, for the entry in column (4) occurring against all the tariff items of headings 8001, 8002, 8003 and 8007, the entry "12%" shall be substituted;

(68) in Chapter 81, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(69) in Chapter 82,—

(a) for the entry in column (4) occurring against all the tariff items of headings 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208 and 8209, the entry "12%" shall be substituted;

(b) in tariff item 8210 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 8211 and 8212, the entry "12%" shall be substituted;

(d) in tariff item 8213 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 8214, the entry "12%" shall be substituted;

(f) for the entry in column (4) occurring against all the tariff items of heading 8215, the entry "6%" shall be substituted;

(70) in Chapter 83, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(71) in Chapter 84,—

(a) for the entry in column (4) occurring against all the tariff items of headings 8401 to 8423, 8424 (except 8424 81 00), 8425 to 8431, 8434, 8435, 8438 to 8451 and 8452 (except 8452 10 12, 8452 10 22, 8452 30 10, 8452 30 90, 8452 90 11, 8452 90 19, 8452 90 91 and 8452 90 99), the entry "12%" shall be substituted;

(b) in tariff items 8452 10 12, 8452 10 22, 8452 30 10, 8452 30 90, 8452 90 11, 8452 90 19, 8452 90 91 and 8452 90 99, for the entry in column (4), the entry "6%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 8453 to 8468, 8469 (except 8469 00 30 and 8469 00 40), 8470 to 8478 and 8479 (except 8479 89 91 and 8479 89 92), the entry "12%" shall be substituted;

(d) in tariff item 8479 89 92, for the entry in column (4), the entry "6%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of headings 8480 to 8484, 8486 and 8487, the entry "12%" shall be substituted;

(72) in Chapter 85,—

(a) after Note 10, the following Note shall be inserted, namely:—

'11. The processes of matching, batching and charging of Lithium ion batteries or the making of battery packs shall amount to "manufacture".';

(b) for the entry in column (4) occurring against all the tariff items of headings 8501 to 8519, 8521, 8522, 8523, 8525 to 8533, the entry "12%" shall be substituted;

(c) in tariff item 8534 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of headings 8535 to 8547 the entry "12%" shall be substituted;

(e) in tariff item 8548 90 00, for the entry in column (4), the entry "12%" shall be substituted;

(73) in Chapter 86,—

(a) for the entry in column (4) occurring against all the tariff items (except 8604 00 00), the entry "6%" shall be substituted;

(b) in tariff item 8604 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(74) in Chapter 87,—

(a) for the entry in column (4) occurring against all the tariff items of heading 8701, the entry "12%" shall be substituted;

(b) in tariff items 8702 10 11, 8702 10 12 and 8702 10 19, for the entry in column (4), the entry "27%" shall be substituted;

(c) in tariff items 8702 10 91 to 8702 10 99, for the entry in column (4), the entry "12%" shall be substituted;

(d) in tariff items 8702 90 11 and 8702 90 12, for the entry in column (4), the entry "27%" shall be substituted;

(e) in tariff item 8702 90 13, for the entry in column (4), the entry "12%" shall be substituted;

(f) in tariff item 8702 90 19, for the entry in column (4), the entry "27%" shall be substituted;

(g) in tariff items 8702 90 20 to 8702 90 99, for the entry in column (4), the entry "12%" shall be substituted;

(h) in tariff item 8703 10 10, for the entry in column (4), the entry "12%" shall be substituted;

(i) in tariff items 8703 10 90 to 8703 22 99, for the entry in column (4), the entry "24%" shall be substituted;

(j) in tariff item 8703 23 10, for the entry in column (4), the entry "27%" shall be substituted;

(k) in tariff item 8703 23 20, for the entry in column (4), the entry "24%" shall be substituted;

(l) in tariff items 8703 23 91, 8703 23 92, 8703 23 99 and 8703 24 10, for the entry in column (4), the entry "27%" shall be substituted;

(m) in tariff item 8703 24 20, for the entry in column (4), the entry "24%" shall be substituted;

(n) in tariff items 8703 24 91 to 8703 24 99, for the entry in column (4), the entry "27%" shall be substituted;

(o) in tariff items 8703 31 10 to 8703 31 99, for the entry in column (4), the entry "24%" shall be substituted;

(p) in tariff item 8703 32 10, for the entry in column (4), the entry "27%" shall be substituted;

(q) in tariff item 8703 32 20, for the entry in column (4), the entry "24%" shall be substituted;

(r) in tariff items 8703 32 91 to 8703 33 10, for the entry in column (4), the entry "27%" shall be substituted;

(s) in tariff item 8703 33 20, for the entry in column (4), the entry "24%" shall be substituted;

(t) in tariff items 8703 33 91 to 8703 33 99, for the entry in column (4), the entry "27%" shall be substituted;

(u) in tariff item 8703 90 10, for the entry in column (4), the entry "12%" shall be substituted;

(v) in tariff item 8703 90 90, for the entry in column (4), the entry "27%" shall be substituted;

(w) in tariff item 8704 10 10, for the entry in column (4), the entry "12%" shall be substituted;

(x) in tariff item 8704 10 90, for the entry in column (4), the entry "24%" shall be substituted;

(y) in tariff items 8704 21 10 to 8704 31 20, for the entry in column (4), the entry "12%" shall be substituted;

(z) in tariff item 8704 31 90, for the entry in column (4), the entry "24%" shall be substituted;

(za) in tariff item 8704 32 11, for the entry in column (4), the entry "12%" shall be substituted;

(zb) in tariff items 8704 32 19 and 8704 32 90, for the entry in column (4), the entry "24%" shall be substituted;

(zc) in tariff items 8704 90 11 and 8704 90 12, for the entry in column (4), the entry "12%" shall be substituted;

(zd) in tariff items 8704 90 19 and 8704 90 90, for the entry in column (4), the entry "24%" shall be substituted;

(ze) for the entry in column (4) occurring against all the tariff items of heading 8705, the entry "12%" shall be substituted;

(zf) in tariff items 8706 00 11 and 8706 00 19, for the entry in column (4), the entry "12%" shall be substituted;

(zg) in tariff item 8706 00 21, for the entry in column (4), the entry "24%" shall be substituted;

(zh) in tariff item 8706 00 29, for the entry in column (4), the entry "15%" shall be substituted;

(zi) in tariff item 8706 00 31, for the entry in column (4), the entry "12%" shall be substituted;

(zj) in tariff item 8706 00 39, for the entry in column (4), the entry "24%" shall be substituted;

(zk) in tariff item 8706 00 41, for the entry in column (4), the entry "12%" shall be substituted;

(zl) in tariff item 8706 00 42, for the entry in column (4), the entry "15%" shall be substituted;

(zm) in tariff items 8706 00 43 and 8706 00 49, for the entry in column (4), the entry "25%" shall be substituted;

(zn) in tariff item 8706 00 50, for the entry in column (4), the entry "12%" shall be substituted;

(zo) for the entry in column (4) occurring against all the tariff items of headings 8707 to 8709, the entry "12%" shall be substituted;

(zp) in tariff item 8710 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(zq) for the entry in column (4) occurring against all the tariff items of headings 8711, 8712, 8714, 8715 and 8716, the entry "12%" shall be substituted;

(75) in Chapter 88,—

(a) for the entry in column (4) occurring against all the tariff items of headings 8801, the entry "6%" shall be substituted;

(b) for the entry in column (4) occurring against all the tariff items of headings 8802 (except 8802 60 00) and 8803, the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 8804 and 8805, the entry "6%" shall be substituted;

(76) in Chapter 89,—

(a) for the entry in column (4) occurring against all the tariff items of heading 8901, the entry "6%" shall be substituted;

(b) for the entry in column (4) occurring against all the tariff items of heading 8903, the entry "12%" shall be substituted;

(c) in tariff item 8904 00 00, for the entry in column (4), the entry "6%" shall be substituted;

(d) for the entry in column (4) occurring against all the tariff items of heading 8905, the entry "6%" shall be substituted;

(e) in tariff item 8906 90 00, for the entry in column (4), the entry "6%" shall be substituted;

(f) for the entry in column (4) occurring against all the tariff items of heading 8907, the entry "12%" shall be substituted;

(g) in tariff item 8908 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(77) in Chapter 90,—

(a) for the entry in column (4) occurring against all the tariff items of heading 9001 (except 9001 40 10, 9001 40 90 and 9001 50 00), the entry "12%" shall be substituted;

(b) in tariff items 9001 40 10, 9001 40 90 and 9001 50 00, for the entry in column (4), the entry "6%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 9002 to 9008, 9010 to 9016 and 9017 (except 9017 20 10, 9017 20 20, 9017 20 30 and 9017 20 90), the entry "12%" shall be substituted;

(d) in tariff items 9017 20 10, 9017 20 20, 9017 20 30 and 9017 20 90, for the entry in column (4), the entry "6%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of headings 9018 and 9019, the entry "12%" shall be substituted;

(f) in tariff item 9020 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(g) for the entry in column (4) occurring against all the tariff items of headings 9022 to 9032, the entry "12%" shall be substituted;

(h) in tariff item 9033 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(78) in Chapter 91, for the entry in column (4) occurring against all the tariff items, the entry "12%" shall be substituted;

(79) in Chapter 92,—

(a) for the entry in column (4) occurring against all the tariff items of headings 9201, 9202 and 9205, the entry "12%" shall be substituted;

(b) in tariff item 9206 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 9207 to 9209, the entry "12%" shall be substituted;

(80) in Chapter 93,—

(a) for the entry in column (4) occurring against all the tariff items of heading 9301, the entry "6%" shall be substituted;

(b) in tariff item 9302 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of heading 9303, the entry "12%" shall be substituted;

(d) in tariff item 9304 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of headings 9305 and 9306, the entry "12%" shall be substituted;

(f) in tariff item 9307 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(81) in Chapter 94,—

(a) for the entry in column (4) occurring against all the tariff items (except 9405 50 10), the entry "12%" shall be substituted;

(b) in tariff item 9405 50 10, for the entry in column (4), the entry "6%" shall be substituted;

(82) in Chapter 95, for the entry in column (4) occurring against all the tariff items of headings 9503 to 9508 (except 9508 10 00), the entry "12%" shall be substituted;

(83) in Chapter 96,—

(a) for the entry in column (4) occurring against all the tariff items of headings 9601 to 9603, the entry "12%" shall be substituted;

(b) in tariff item 9604 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(c) for the entry in column (4) occurring against all the tariff items of headings 9605, 9606 (except 9606 21 00, 9606 22 00, 9606 29 10, 9606 29 90 and 9606 30 10), 9607 and 9608, the entry "12%" shall be substituted;

(d) in tariff items 9606 21 00, 9606 22 00, 9606 29 10, 9606 29 90 and 9606 30 10, for the entry in column (4), the entry "6%" shall be substituted;

(e) for the entry in column (4) occurring against all the tariff items of heading 9609, the entry "6%" shall be substituted;

(f) in tariff item 9611 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(g) for the entry in column (4) occurring against all the tariff items of headings 9612 and 9613, the entry "12%" shall be substituted;

(h) in tariff item 9614 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(i) for the entry in column (4) occurring against all the tariff items of headings 9616 and 9617, the entry "12%" shall be substituted;

(j) in tariff item 9618 00 00, for the entry in column (4), the entry "12%" shall be substituted;

(k) for the entry in column (4) occurring against all the tariff items of heading 9619, the entry "6%" shall be substituted.

**THE EIGHTH SCHEDULE**  
(See section 144)

| Provisions of CENVAT Credit Rules,<br>2004 to be amended  | Amendment  | Period of effect of<br>amendment                 |
|---|--|--|
| (1)   | (2)  | (3)  |
| Sub-rule (6A) of rule 6 of the CENVAT Credit Rules, 2004 as inserted by CENVAT Credit (Amendment) Rules, 2011 <i>vide</i> notification number G.S.R. 134(E), dated the 1st March, 2011 [3/2011-Central Excise (N.T.), dated the 1st March, 2011]. | In the CENVAT Credit Rules, 2004, in rule 6, after sub-rule (6), the following sub-rule shall be inserted with effect from the 10th day of February, 2006, namely:—<br><br>"(6A) The provisions of sub-rules (1), (2), (3) and (4) shall not be applicable in case the taxable services are provided, without payment of service tax, to a Unit in a Special Economic Zone or to a Developer of a Special Economic Zone for their authorised operations.". | From 10th February, 2006 to 28th February, 2011. |

**THE NINTH SCHEDULE**  
(See section 152)

In the Seventh Schedule to the Finance Act, 2001, in the entry in column (2) occurring against the tariff items 2402 20 10, 2402 20 20, 2402 20 30 and 2402 20 40, for the figures and word "60 millimetres", the figures and word "65 millimetres" shall respectively be substituted.

**THE TENTH SCHEDULE**  
(See section 154)

In the Seventh Schedule to the Finance Act, 2005, in the entry in column (2) occurring against the tariff items 2402 20 10, 2402 20 20, 2402 20 30 and 2402 20 40, for the figures and word "60 millimetres", the figures and word "65 millimetres" shall respectively be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The object of the Bill is to give effect to the financial proposals of the Central Government for the financial year 2012-2013. The notes on clauses explain the various provisions contained in the Bill.

PRANAB MUKHERJEE.

NEW DELHI;

*The 16th March, 2012.*

**PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA**

[Copy of letter No.F.2(10)-B(D)/2012, dated the 16th March, 2012 from Shri Pranab Mukherjee, Minister of Finance, to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends, under clauses (1) and (3) of article 117, read with clause (1) of article 274, of the Constitution of India, the introduction of the Finance Bill, 2012 to the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

2. The Bill will be introduced in the Lok Sabha immediately after the presentation of the Budget on the 16th March, 2012.

## Notes on clauses

### *Income-tax*

*Clause 2*, read with the First Schedule to the Bill, specifies the rates at which income-tax is to be levied on income chargeable to tax for the assessment year 2012-2013. Further, it lays down the rates at which tax is to be deducted at source during the financial year 2012-2013 from income other than "Salaries" subject to such deductions under the Income-tax Act; and the rates at which "advance tax" is to be paid, tax is to be deducted at source from, or paid on, income chargeable under the head "Salaries" and tax is to be calculated and charged in special cases for the financial year 2012-2013.

### *Rates of income-tax for the assessment year 2012-2013*

Part I of the First Schedule to the Bill specifies the rates at which income is liable to tax for the assessment year 2012-2013. These rates are the same as those specified in Part III of the First Schedule to the Finance Act, 2011, for the purposes of deduction of tax at source from "Salaries", computation of "advance tax" and charging of income-tax in special cases during the financial year 2011-2012.

### *Rates for deduction of tax at source during the financial year 2012-2013 from income other than "Salaries"*

Part II of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source during the financial year 2012-2013 from income other than "Salaries". The rates are the same, as those specified in Part II of the First Schedule to the Finance Act, 2011 for the purposes of deduction of income-tax at source during the financial year 2011-2012. In view of the proposed insertion of new section 194LC, prescribing special rate of tax deduction at five per cent. in case of certain interest payments to non-residents by a specified Indian company engaged in prescribed business of infrastructure development, such income shall not be subject to deduction of tax at source at the rate of twenty per cent. which would otherwise have applied.

The amount of tax so deducted shall be increased by a surcharge in the case of every company other than a domestic company at the rate of two per cent. No surcharge will be levied in any other case.

### *Rates for deduction of tax at source from "Salaries", computation of "advance tax" and charging of income tax in special cases during the financial year 2012-2013*

Part III of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source from, or paid on, income under the head "salaries" and also the rates at which "advance tax" is to be paid and income-tax is to be calculated or charged in special cases for the financial year 2012-2013. It is proposed to remove the special category of individual taxpayer, being a woman resident in India, and below the age of sixty years.

Paragraph A of this Part specifies the rates of income-tax as under:—

(i) in the case of every individual [other than those specifically mentioned in sub-paras (ii) and (iii)] or Hindu undivided family or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies:—

|                               |              |
|-------------------------------|--------------|
| Up to Rs. 2,00,000            | Nil;         |
| Rs. 2,00,001 to Rs. 5,00,000  | 10 per cent. |
| Rs. 5,00,001 to Rs. 10,00,000 | 20 per cent. |
| Above Rs. 10,00,000           | 30 per cent. |

(ii) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than the age of eighty years at any time during the previous year:—

|                               |              |
|-------------------------------|--------------|
| Up to Rs. 2,50,000            | Nil;         |
| Rs. 2,50,001 to Rs. 5,00,000  | 10 per cent. |
| Rs. 5,00,001 to Rs. 10,00,000 | 20 per cent. |
| Above Rs. 10,00,000           | 30 per cent. |

(iii) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year:—

|                               |              |
|-------------------------------|--------------|
| Up to Rs. 5,00,000            | Nil;         |
| Rs. 5,00,001 to Rs. 10,00,000 | 20 per cent. |
| Above Rs. 10,00,000           | 30 per cent. |

Paragraph B of this Part specifies the rates of income-tax in the case of every co-operative society. In such cases, the rates of tax will continue to be the same as those specified for assessment year 2012-2013. No surcharge will be levied.

Paragraph C of this Part specifies the rate of income-tax in the case of every firm. In such cases, the rate of tax will continue to be the same as that specified for assessment year 2012-2013. No surcharge will be levied.

Paragraph D of this Part specifies the rate of income-tax in the case of every local authority. In such cases, the rate of tax will continue to be the same as that specified for the assessment year 2012-2013. No surcharge will be levied.

Paragraph E of this Part specifies the rates of income-tax in the case of companies. In both the cases of domestic companies and companies other than domestic companies, the rate of tax will continue to be the same as that specified for the assessment year 2012-2013.

Surcharge in the case of domestic companies having income above one crore rupees shall continue to be levied at the rate of five per cent. In case of companies other than domestic companies, the surcharge shall continue to be levied at the rate of two per cent. Marginal relief will be provided.

In all other cases (including sections 115JB, 115-O, 115R, etc.) the surcharge will continue to be applicable at the rate of five per cent."

"Education Cess" at the rate of two per cent. and "Secondary and Higher Education Cess" at the rate of one per cent. shall continue to be levied in all cases covered under Part III of the First Schedule. In the cases covered under Part II of the First Schedule, there will be no levy of Education Cess and Secondary and Higher Education Cess on tax deducted or collected at source in the case of domestic company and any other person who is resident in India. Both the cesses would continue to apply on tax deducted at source in the case of salary payments. These would also continue to be levied in the cases of persons not resident in India and companies other than domestic company.

*Clause 3* of the Bill seeks to amend section 2 of the Income-tax Act relating to definitions.

It is proposed to insert a new *Explanation* in clause (14) of the aforesaid section 2 so as to clarify the expression "property".

This amendment will take effect retrospectively from 1st April, 1962 and will, accordingly, apply in relation to the assessment year 1962-1963 and subsequent assessment years.

It is further proposed to amend clause (16) of the aforesaid section 2 so as to include the Director of Income-tax in the definition of the Commissioner.

This amendment will take effect retrospectively from 1st April, 1988.

It is also proposed to amend sub-clause (iv) of clause (19AA) of the aforesaid section 2 so as to exclude the requirement of issue of shares to the shareholders of the demerged company where resulting company itself in a scheme of demerger is a shareholder of the demerged company.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is also proposed to insert a new *Explanation* in clause (47) of the aforesaid section so as to clarify the expression "transfer".

This amendment will take effect retrospectively from 1st April, 1962 and will, accordingly, apply in relation to the assessment year 1962-1963 and subsequent assessment years.

*Clause 4* of the Bill seeks to amend section 9 of the Income-tax Act relating to income deemed to accrue or arise in India.

The existing provisions of clause (i) of sub-section (1) of the aforesaid section 9 provide that all income accruing or arising, whether directly or indirectly, through or from any business connection in India, or through or from any property in India, or through or from any asset or source of income in India, or through the transfer of a capital asset situate in India shall be deemed to accrue or arise in India.

It is proposed to insert a new *Explanation* 4 in the aforesaid clause so as to clarify the expression "through" used in the said sub-section.

It is further proposed to insert a new *Explanation* 5 in the aforesaid clause (i) so as to clarify that an asset or a capital asset being any share or interest in a company or entity registered or incorporated outside India shall be deemed to be and shall always be deemed to have been situated in India, if the share or interest derives, directly or indirectly, its value substantially from the assets located in India.

These amendments will take effect retrospectively from 1st April, 1962 and will, accordingly, apply in relation to the assessment year 1962-1963 and subsequent assessment years.

It is also proposed to insert a new *Explanation* 4 in clause (vi) of the aforesaid sub-section so as to clarify that the transfer of all or any rights in respect of any right, property or information includes and has always included transfer of all or any right for use or right to use a computer software (including granting of a licence) irrespective of the medium through which such right is transferred.

It is also proposed to insert a new *Explanation* 5 in the aforesaid clause so as to clarify that the royalty includes and has always

included consideration in respect of any right, property or information, whether or not —(a) the possession or control of such right, property or information is with the payer;(b) such right, property or information is used directly by the payer;(c) the location of such right, property or information is in India.

It is also proposed to insert a new *Explanation* 6 in the aforesaid clause so as to clarify that the expression "process" includes and shall be deemed to have always included transmission by satellite (including up-linking, amplification, conversion for down-linking of any signal), cable, optic fibre or by any other similar technology, whether or not such process is secret.

These amendments will take effect retrospectively from 1st day of June, 1976 and will, accordingly, apply in relation to the assessment year 1977-1978 and subsequent assessment years.

*Clause 5* of the Bill seeks to amend section 10 of the Income-tax Act relating to income not included in total income.

The existing provisions of clause (10D) of the aforesaid section provide that any sum received under a life insurance policy, including the sum allocated by way of bonus on such policy other than any sum received under sub-section (3) of section 80DD or any sum received under a Keyman insurance policy, or any sum received under an insurance policy for which the premium amount exceeds twenty per cent. of the actual capital sum assured, shall be exempt.

It is proposed to allow exemption of any sum received under an insurance policy issued on or after 1st April, 2012 only if the premium for the policy does not exceed ten per cent. of the actual capital sum assured.

This amendment will take effect from 1st April, 2013, and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is proposed to insert a new proviso after the sixteenth proviso to clause (23C) of the aforesaid section so as to provide that the income of a trust or institution referred to in sub-clause (iv) or sub-clause (v) shall be included in its total income of the previous year if the provisions of the first proviso to clause (15) of section 2 becomes applicable to such trust or institution in the said previous year, whether or not any approval granted or notification issued in respect of such trust or institution has been withdrawn or rescinded.

This amendment will take effect retrospectively from 1st April, 2009 and will, accordingly, apply in relation to the assessment year 2009-2010 and subsequent assessment years.

The existing provisions contained in clause (23FB) of the aforesaid section provide that any income of a venture capital company or venture capital fund from investment in a venture capital undertaking does not form part of its total income. The definitions of "venture capital company", "venture capital fund" and "venture capital undertaking" are provided in *Explanation* 1 to clause (23FB). "Venture capital undertaking" has been defined in clause (c) of the said *Explanation* to mean such domestic company whose shares are not listed in a recognised stock exchange in India and which is engaged in certain businesses or industries specified in said clause (c).

It is proposed to amend clause (c) of *Explanation* 1 to the aforesaid clause so as to define the venture capital undertaking as the venture capital undertaking referred to in the Securities and Exchange Board of India (Venture Capital Funds) Regulations, 1996 made under the Securities and Exchange Board of India Act, 1992.

This amendment will take effect from 1st April, 2013, and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is proposed to insert a new clause (48) in the aforesaid section so as to provide that any income of a foreign company received in India in Indian currency on account of sale of crude oil to any person in India subject to fulfilment of certain conditions specified in the said clause will also not be included in total income.

This amendment will take effect retrospectively from 1st April, 2012 and will, accordingly, apply in relation to the assessment year 2012-2013 and subsequent assessment years.

*Clause 6* of the Bill seeks to amend section 13 of the Income-tax Act relating to section 11 not to apply in certain cases.

It is proposed to insert a new sub-section (8) in the aforesaid section 13 so as to provide that nothing contained in section 11 or section 12 shall operate so as to exclude any income from the total income of the previous year of the person in receipt thereof if the provisions of the first proviso to clause (15) of section 2 become applicable in the case of such person in the said previous year.

This amendment will take effect retrospectively from 1st April, 2009 and will, accordingly, apply in relation to the assessment year 2009-2010 and subsequent assessment years.

*Clause 7* of the Bill seeks to amend section 32 of the Income-tax Act relating to depreciation.

The existing provisions contained in clause (iia) of sub-section (1) of the aforesaid section 32, a further sum equal to twenty per cent. of the actual cost of new machinery or plant (other than ships and aircraft) acquired and installed after the 31st day of March, 2005 by an assessee engaged in the business of manufacture or production of any article or thing, is allowed as deduction as further depreciation.

It is proposed to amend aforesaid clause so as to allow deduction of a further sum equal to twenty per cent. of actual cost of any new machinery or plant (other than ships and aircraft) acquired and installed after 31st day of March, 2012, as further depreciation to an assessee engaged in the business of generation or generation and distribution of power.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 8* of the Bill seeks to amend section 35 of the Income-tax Act relating to expenditure on scientific research.

The existing provisions contained in sub-section (2AB) of the aforesaid section 35 provide that where a company engaged in the business of bio-technology or in any business of manufacture or production of any article or thing, not being an article or thing specified in the list of Eleventh Schedule, incurs any expenditure on scientific research (not being expenditure in the nature of cost of any land or building) on in-house research and development facility as approved by the prescribed authority, then, there shall be allowed a deduction of a sum equal to two times of the expenditure so incurred. However, no deduction is allowable under the said sub-section in respect of such expenditure incurred after 31st March, 2012.

It is proposed to amend clause (5) of the aforesaid sub-section (2AB) so as to allow deduction in respect of expenditure incurred up to 31st March, 2017.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years up to assessment year 2017-2018.

*Clause 9* of the Bill seeks to amend section 35AD of the Income-tax Act relating to deduction in respect of expenditure on specified business.

The provisions of sub-section (1) of the aforesaid section 35AD, *inter alia*, allow one hundred per cent. deduction in respect of any capital expenditure incurred, other than expenditure incurred on the acquisition of any land or goodwill or financial instrument, during the year by the specified business subject to the provisions contained in that section.

The specified businesses eligible for the said deduction have been listed under clause (c) of sub-section (8).

It is proposed to insert sub-section (1A) to the aforesaid section so as to provide that where the specified business is of the nature referred to in sub-clause (i) or sub-clause (ii) or sub-clause (v) or sub-clause (vii) or sub-clause (viii) of clause (c) of sub-section (8) and has commenced its operations on or after the 1st day of April, 2012, the deduction under sub-section (1) shall be allowed of an amount equal to one and one-half times of the expenditure referred to therein.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is further proposed to amend the provisions of sub-sections (5) and (8) of the aforesaid section to include three new categories of business as specified business, namely, —(i) setting up and operating an inland container depot or a container freight station notified or approved under the Customs Act, 1962; (ii) bee-keeping and production of honey and beeswax; (iii) setting up and operating a warehousing facility for storage of sugar. It is also proposed that the date of commencement of operations of these three specified businesses for the purposes of the aforesaid deductions shall be on or after 1st April, 2012.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is also proposed to insert sub-section (6A) to the aforesaid section to provide that where the assessee builds a hotel of two-star or above category as classified by the Central Government and subsequently, while continuing to own the hotel, transfers the operation thereof to another person, the assessee shall be deemed to be carrying on the specified business of building and operating hotel.

This amendment will take effect retrospectively from 1st April, 2011 and will, accordingly, apply in relation to the assessment year 2011-2012 and subsequent assessment years.

*Clause 10* of the Bill seeks to insert new sections 35CCC and 35CCD in the Income-tax Act relating to expenditure on agricultural extension project and expenditure on skill development project, respectively.

Sub-section (1) of the proposed new section 35CCC provides that where an assessee incurs any expenditure on agricultural extension project notified by the Board in this behalf in accordance

with the guidelines as may be prescribed, then there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure. Sub-section (2) of the aforesaid section provides that where a deduction under this section is claimed and allowed for any assessment year in respect of any expenditure referred to in sub-section (1), deduction shall not be allowed in respect of such expenditure under any other provisions of the Income-tax Act for the same or any other assessment year.

Sub-section (1) of the proposed new section 35CCD provides that where a company incurs any expenditure (not being expenditure in the nature of cost of any land or building) on any skill development project notified by the Board in this behalf in accordance with the guidelines as may be prescribed, then, there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure. Sub-section (2) of the aforesaid section provides that where a deduction under this section is claimed and allowed for any assessment year in respect of any expenditure referred to in sub-section (1), deduction shall not be allowed in respect of such expenditure under any other provisions of the Income-tax Act for the same or any other assessment year.

These amendments will take effect from 1st April, 2013, and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 11* of the Bill seeks to amend section 40 of the Income-tax Act relating to amounts not deductible.

It is proposed to insert a new proviso to sub-clause (ia) of clause (a) to the aforesaid section 40 so as to provide that where an assessee fails to deduct the whole or any part of the tax in accordance with the provisions of Chapter XVII-B on any such sum but is not deemed to be an assessee in default under the first proviso to sub-section (1) of section 201, then, for the purposes of this sub-clause, it shall be deemed that the assessee has deducted and paid the tax on such sum on the date of furnishing of return of income by the resident payee referred to in the said proviso.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 12* of the Bill seeks to amend section 40A of the Income-tax Act relating to expenses or payments not deductible in certain circumstances.

The existing provisions of clause (a) of sub-section (2) of the aforesaid section 40A provides that where the assessee incurs any expenditure in respect of which payment has been or is to be made to any person referred to in clause (b) of the said section and the Assessing Officer is of the opinion that such expenditure is excessive or unreasonable having regard to fair market value of the goods, services or facilities for which the payment is made or the legitimate needs of the business or profession of the assessee or the benefit derived by or accruing to him therefrom, so much of expenditure as is so considered by him to be excessive or unreasonable shall not be allowed as deduction.

It is proposed to amend the aforesaid clause so as to provide that no disallowance under this clause, on account of any expenditure being excessive or unreasonable having regard to the fair market value, shall be made in respect of a specified domestic transaction referred to in section 92BA, if such transaction is at arm's length price as defined in clause (ii) of section 92F.

The existing provisions of clause (b) of the aforesaid sub-section defines the persons referred to in clause (a).

Sub-clause (iv) of the said clause defines the persons in a company, firm, association of persons or Hindu undivided family having a substantial interest in the business or profession of the assessee or any director, partner or member of such company, firm, association or family, relative of such director, partner or member.

It is proposed to amend the aforesaid clause (b) so as to include therein any other company carrying on a business or profession in which the company referred to in the aforesaid sub-clause has substantial interest.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 13* of the Bill seeks to amend section 44AB of the Income-tax Act relating to audit of accounts of certain persons carrying on business or profession.

The existing provisions in clause (a) of the aforesaid section 44AB make it obligatory for every person carrying on business to get his account of any previous year relevant to the assessment year audited by an accountant before the specified date if the total sales, turnover or gross receipts in business for the previous year exceeds sixty lakh rupees.

It is proposed to enhance the said limit from sixty lakh rupees to one crore rupees.

The existing provisions contained in clause (b) of the aforesaid section make it obligatory for every person carrying on profession to get his accounts of any previous year relevant to the assessment year audited by an accountant before the said specified date if his gross receipts in profession for the previous year exceed fifteen lakh rupees.

It is proposed to enhance the said limit from fifteen lakh rupees to twenty-five lakh rupees.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

The existing provisions contained in clause (ii) of the *Explanation* to the aforesaid section defines that expression "specified date" in relation to the accounts of the assessee of the previous year relevant to an assessment year, means the 30th day of September of the assessment year.

It is proposed to change the specified date from the 30th day of September of the assessment year to the due date for furnishing the return of income under sub-section (1) of section 139.

This amendment will take effect retrospectively from 1st April, 2012 and will, accordingly, apply in relation to the assessment year 2012-2013 and subsequent assessment years.

*Clause 14* of the Bill seeks to amend section 44AD of the Income-tax Act relating to special provision for computing profits and gains of business on presumptive basis.

It is proposed to insert a new sub-section (6) to the aforesaid section 44AD so as to provide that the provisions of this section, notwithstanding anything contained in the foregoing provisions, shall not apply to (i) a person carrying on profession as referred to in sub-section (1) of section 44AA; (ii) a person earning income in the nature of commission or brokerage; or (iii) a person carrying on any agency business.

This amendment will take effect retrospectively from 1st April, 2011 and will, accordingly, apply in relation to the assessment year 2011-2012 and subsequent assessment years.

The existing provisions in clause (b) of the *Explanation* to the aforesaid section 44AD defines the term “eligible business” to mean any business except the business of plying, hiring or leasing goods carriages referred to in section 44AE and whose total turnover or gross receipts in the previous year does not exceed sixty lakh rupees for the purpose of computing profits and gains of business on presumptive basis.

It is proposed to amend the aforesaid *Explanation* so as to enhance the said limit from sixty lakh rupees to one crore rupees.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 15* of the Bill seeks to amend section 47 of the Income-tax Act relating to transactions not regarded as transfer.

Under the existing provisions contained in sub-clause (a) of clause (vii) of the aforesaid section 47, in case of a merger, any transfer of capital asset being shares, held by a shareholder in the amalgamating company, shall not be regarded as transfer, if— (a) such transfer is made in consideration of the allotment to him of any share or shares in the amalgamated company, and (b) the amalgamated company is an Indian Company.

It is proposed to amend the aforesaid sub-clause so as to provide that to the extent where the amalgamated company itself is the shareholder in the amalgamating company, it shall not be necessary for it to issue share or shares.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 16* of the Bill seeks to amend section 49 of the Income-tax Act relating to cost with reference to certain modes of acquisition.

The existing provisions contained in the aforesaid section 49 provide that, in certain circumstances the cost of acquisition of the assets shall be deemed to be the cost for which the previous owner of the assets acquired it.

*Clause (xiii)* of section 47, *inter alia*, provides for transfer of any capital asset or intangible asset by a firm to company as a result of succession of the firm by a company and clause (xiv) of section 47 provides, *inter alia*, for transfer of any capital asset or intangible asset by a sole proprietary concern to a company as a result of succession by a sole proprietary concern to a company.

It is proposed to amend sub-clause (e) of clause (iii) of sub-section (1) of the aforesaid section so as to bring the transfers referred to in clause (xiii) and clause (xiv) of section 47 within the scope of section 49 which deals with cost with reference to certain modes of acquisition.

This amendment will take effect retrospectively from 1st April, 1999 and will, accordingly, apply in relation to the assessment year 1999-2000 and subsequent assessment years.

*Clause 17* of the Bill seeks to insert section 50D of the Income-tax Act relating to fair market value deemed to be full value of consideration in certain cases.

The existing provisions of the Income-tax Act provide that on the transfer of a capital asset, capital gains are calculated as the difference between the sale consideration and the cost of acquisition.

It is proposed to insert a new section 50D so as to provide that where the consideration received or accruing as a result of the transfer of a capital asset by an assessee, is not ascertainable or cannot be determined, then, for the purpose of computing income chargeable to tax as capital gains, the fair market value of the said asset on the date of transfer shall be deemed to be the full value of the consideration received or accruing as a result of such transfer.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 18* of the Bill seeks to amend section 54B of the Income tax Act relating to capital gain on transfer of land used for agricultural purposes not to be charged in certain cases.

The existing provisions contained in sub-section (1) of the aforesaid section 54B provide that if an assessee transfers land which, in the two years immediately preceding the date on which the transfer took place, was being used by the assessee or a parent of his for agricultural purposes, giving rise to capital gain and purchases any other land for being used for agricultural purposes, within two years after the date of such transfer, the capital gain is exempt to the extent such gain has been utilised for the aforesaid purpose.

It is proposed to amend the aforesaid sub-section so as to extend the benefit of exemption to the assessee being a Hindu undivided family.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 19* of the Bill seeks to insert a new section 54GB relating to capital gain on transfer of residential property not to be charged in certain cases.

The proposed new section 54GB seeks to provide that where the capital gain arises from the transfer of a long-term capital asset, being a residential property (a house or a plot of land), owned by the eligible assessee (herein referred to as the assessee) and such assessee before the due date of furnishing of return of income under sub-section (1) of section 139 utilises the net consideration for subscription in the equity shares of an eligible company (herein referred to as the company) and such company has, within one year from the date of subscription in equity shares by the assessee, utilised this amount for purchase of new asset then, instead of the capital gain being charged to income-tax as the income of the previous year in which the transfer takes place, it shall be dealt with in accordance with the following provisions of this section, that is to say, if the amount of the net consideration is greater than the cost of the new asset, then, so much of the capital gain as it bears to the whole of the capital gain the same proportion as the cost of the new asset bears to the net consideration, shall not be charged under section 45 as the income of the previous year or if the amount of the net consideration is equal to or less than the cost of the new asset, the capital gain shall not be charged under section 45 as the income of the previous year.

It is further proposed to provide that the amount of the net consideration, which has been received by the company for issue of share to the assessee, to the extent it is not utilised by the company for the purchase of the new asset before the said due date of furnishing of the return of income by the assessee under section 139, shall be deposited by the company, before the due date of furnishing, in an account in any such bank or institution as may be specified and shall be utilised in accordance with any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and the return furnished by the assessee shall be accompanied by proof of such deposit having been made.

It is also proposed to provide that for the purposes of sub-section (1), the amount, if any, already utilised by the company for the purchase of the new asset together with the amount deposited under sub-section (2) shall be deemed to be the cost of the new asset. However, if the amount so deposited is not utilised, wholly or partly, for the purchase of the new asset within the period specified in sub-section (1), then, the amount by which the amount of capital gain arising from the transfer of the residential property not charged under section 45 on the basis of the cost of the new asset, exceeds the amount that would not have been so charged had the amount actually utilised for the purchase of the new asset within the period specified in sub-section (1), been the cost of the new asset, shall be charged under section 45 as income of the assessee of the previous year in which the period of one year from the date of the subscription in equity shares by the assessee expires and the company shall be entitled to withdraw such amount in accordance with the scheme.

It is also proposed to provide that if the equity shares of the company or the new asset acquired by the company are sold or otherwise transferred within a period of five years from the date of their acquisition, the amount of capital gain arising from the transfer of the residential property not charged under section 45 as provided in sub-section (1) shall be deemed to be the income of the assessee chargeable under the head "capital gains" of the previous year in which such equity shares or such new asset are sold or otherwise transferred, in addition to taxability of gains, arising on account of transfer of shares or of the new asset, in the hands of the assessee or the company, as the case may be.

It is also proposed to provide that the provisions of this section shall not apply to any transfer of residential property made after the 31st day of March, 2017.

It is also proposed to define the expressions "eligible assessee", "eligible company", "net consideration" and "new asset" for the purpose of this section.

These amendments will take effect from the 1st day of April, 2013 and will, accordingly, apply in relation to the assessment years 2013-2014 and subsequent assessment years.

*Clause 20* of the Bill seeks to amend section 55A of the Income-tax Act relating to reference to valuation officer.

The existing provisions contained in clause (a) of the aforesaid section 55A provide that an Assessing Officer with a view to ascertain the fair market value of a capital asset may refer the valuation of a capital asset to a Valuation Officer where, in his opinion the value of the asset as claimed by the assessee is less than its fair market value.

It is proposed to amend the aforesaid clause so as to provide that reference may be made to the Valuation Officer for ascertaining the fair market value of a capital asset in case such value is at variance with its fair market value instead of making a reference only when such value is less than its fair market value.

This amendment will take effect from 1st July, 2012.

*Clause 21* of the Bill seeks to amend section 56 of the Income-tax Act relating to income from other sources.

The existing provisions of clause (vii) of sub-section (2) of the aforesaid section 56, *inter alia*, provide that where any sum of money, the aggregate value of which exceeds fifty thousand rupees, is received without consideration, by an individual or a Hindu undivided family, in any previous year from any person on or after the 1st day of October, 2009, the whole of the aggregate value of such money shall be chargeable to income-tax under the head "Income from other sources". The second proviso to the said clause provides that the provisions of this clause shall not apply to any sum of money or any property received from any relative. Clause (e) of *Explanation* to second proviso of the said clause provides that the definition of "relative" shall have the same meaning assigned to it in the *Explanation* to clause (vi) of sub-section (2) of the said section.

It is proposed to substitute the aforesaid clause (e) so as to provide that the definition of "relative" shall also include any sum or property received by a Hindu undivided family from its members apart from the persons referred to in the *Explanation* to clause (vi) of sub-section (2) of the said section.

This amendment will take effect retrospectively from 1st October, 2009.

It is proposed to insert a new clause (viib) in the aforesaid sub-section so as to provide that where a company, not being a company in which the public are substantially interested, receives, in any previous year, from any person being a resident, any consideration for issue of shares that exceeds the face value of such shares, the aggregate consideration received for such shares as exceeds the fair market value of the shares shall be chargeable to income-tax under the head "Income from other sources". However, the said new clause shall not apply where the consideration for issue of shares is received by a venture capital undertaking from a venture capital company or a venture capital fund.

It is further proposed that the company receiving the consideration for issue of shares shall be provided an opportunity to substantiate its claim regarding the fair market value of the shares.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 22* of the Bill seeks to amend section 68 of the Income-tax Act relating to cash credits.

The existing provisions of the aforesaid section 68 provide that where any sum is found credited in the books of an assessee maintained for any previous year, and the assessee offers no explanation about the nature and source thereof or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the sum so credited may be charged to income-tax as the income of the assessee of that previous year.

It is proposed to insert two new provisos to the aforesaid section. The first proviso seeks to provide that where the assessee is a company, (not being a company in which the public are substantially interested) and the sum so credited consists of share application money, share capital, share premium or any such amount by whatever name called, any explanation offered by such

assessee company shall be deemed to be not satisfactory, unless—  
(a) the person, being a resident in whose name such credit is recorded in the books of such company also offers an explanation about the nature and source of such sum so credited; and (b) such explanation in the opinion of Assessing Officer aforesaid has been found to be satisfactory.

The second proviso seeks to provide that nothing contained in the first proviso shall apply if the person, in whose name the sum referred to therein is recorded, is a venture capital fund or a venture capital company as referred to in clause (23FB) of section 10.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 23* of the Bill seeks to amend section 80A of the Income-tax Act relating to deduction to be made in computing total income.

The existing provision of the *Explanation* to sub-section (6) of the aforesaid section 80A provides the definition of expression “market value” in relation to any goods or services sold or supplied and in relation to goods or services acquired.

It is proposed to amend the aforesaid *Explanation* so as to provide that “market value” in relation to any goods or services sold, supplied or acquired, in case of a transaction being a domestic transaction referred to in section 92BA shall be the arm’s length price as defined in clause (ii) of section 92F.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 24* of the Bill seeks to amend section 80C of the Income-tax Act relating to deduction in respect of life insurance premia, deferred annuity, contributions to provident fund, subscription to certain equity shares or debentures, etc.

The existing provisions of sub-section (3) of the aforesaid section 80C provide that sub-section (2) shall apply only to so much of any premium or other payment made on an insurance policy other than a contract for a deferred annuity as is not in excess of twenty per cent. of the actual capital sum assured.

It is proposed to amend the aforesaid section so as to restrict the deduction for insurance policies issued on or after 1st April, 2012 to any premium or other payment made on such insurance policy as is not in excess of ten per cent. of the actual capital sum assured.

It is further proposed to define the expression “actual capital sum assured”.

These amendments will take effect from 1st April, 2013, and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 25* of the Bill seeks to amend section 80D of the Income-tax Act relating to deduction in respect of health insurance premia.

The existing provisions of section 80D provide for deduction up to fifteen thousand rupees to an assessee, being an individual or a Hindu undivided family, who makes payment of the specified sum by any mode, other than cash, to effect or keep in force an insurance on—

(a) the health of the assessee or on the health of the wife or husband, or dependant children of the assessee where the assessee is an individual;

(b) the health of any member of the family where the assessee is a Hindu undivided family.

Further, a deduction up to fifteen thousand rupees is also allowed to keep in force an insurance on the health of parents.

It is proposed to amend the aforesaid section so as to allow for a deduction in respect of any payment made by an assessee on account of preventive health check-up of self, spouse, dependent children or parent during the previous year up to a limit of five thousand rupees within the existing limits prescribed in the section.

The existing provisions allow a higher deduction up to twenty thousand rupees in the case of senior citizen.

It is proposed to amend the *Explanation* to sub-section (4) of the aforesaid section so as to reduce the age for defining a senior citizen from sixty-five years to sixty years for the purposes of the said deduction.

It is also proposed that for the purposes of the aforesaid deduction, payment shall be made by—(i) any mode, including cash, in respect of any sum paid on account of preventive health check-up; (ii) any mode other than cash in all other cases.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 26* of the Bill seeks to amend section 80DDB of the Income-tax Act relating to deduction in respect of medical treatment, etc.

The existing provisions of the aforesaid section 80DDB provide for a deduction up to forty thousand rupees for medical treatment of a specified disease or ailment in case of an individual or his dependant. In case where the amount actually paid is in respect of any person who is a senior citizen, the deduction is allowed up to sixty thousand rupees in place of forty thousand rupees.

*Clause (iv)* of the *Explanation* to the aforesaid section provides that a senior citizen means an individual resident in India who is of the age of sixty five years or more at any time during the relevant previous year.

It is proposed to amend the aforesaid *Explanation* so as to reduce the age from sixty-five years to sixty years for qualifying as a senior citizen.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 27* of the Bill seeks to amend section 80G of the Income-tax Act relating to deduction in respect of donations to certain funds, charitable institutions, etc.

It is proposed to insert a new sub-section (5D) in the aforesaid section so as to provide that no deduction shall be allowed under this section in respect of donation of any sum exceeding ten thousand rupees unless such sum is paid by any mode other than cash.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 28* of the Bill seeks to amend section 80GGA of the Income-tax Act relating to deduction in respect of certain donations for scientific research or rural development.

It is proposed to insert a new sub-section (2A) in the aforesaid section so as to provide that no deduction shall be allowed under this section in respect of any sum exceeding ten thousand rupees unless such sum is paid by any mode other than cash.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 29* of the Bill seeks to amend section 80-IA of the Income-tax Act relating to deductions in respect of profits and gains from industrial undertakings or enterprises engaged in infrastructure development, etc.

The existing provisions contained in clause (iv) of sub-section (4) of the aforesaid section 80-IA provide that, a deduction shall be allowed to an undertaking which,—(a) is set up in any part of India for the generation or generation and distribution of power if it begins to generate power at any time during the period beginning on 1st April, 1993 and ending on 31st March, 2012; (b) starts transmission or distribution by laying a network of new transmission or distribution lines at any time during the period beginning on 1st April, 1999 and ending on 31st March, 2012; (c) undertakes substantial renovation and modernisation of the existing network of transmission or distribution lines at any time during the period beginning on 1st April, 2004 and ending on 31st March, 2012.

It is proposed to amend the aforesaid clause so as to extend the time limit from 31st March, 2012 to 31st March, 2013.

The existing *Explanation* to sub-section (8) of the aforesaid section 80-IA provides for the definition of "market value" in relation to goods or services.

It is proposed to substitute the aforesaid *Explanation* so as to include the arm's length price as defined in clause (ii) of section 92F, where the transfer of such goods or services is "specified domestic transaction" referred to in section 92BA within the definition of "market value" in relation to any goods or services.

The existing provisions of sub-section (10) of the aforesaid section provide that where it appears to the Assessing Officer, owing to the close connection between the assessee carrying on the eligible business to which this section applies and any other person, or for any other reason, the course of business between them is so arranged that the business transacted between them produces to the assessee more than the ordinary profits which might be expected to arise in such eligible business, the Assessing Officer shall, in computing the profits and gains of such eligible business for the purposes of the deduction under this section, take the amount of profits as may be reasonably deemed to have been derived therefrom.

It is proposed to insert a new proviso to the aforesaid sub-section so as to provide that in case the arrangement mentioned in the sub-section involves a specified domestic transaction referred to in section 92BA, and the amount of profits from such transaction shall be determined having regard to arm's length price as defined in clause (ii) of section 92F.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014

and subsequent assessment years.

*Clause 30* of the Bill seeks to insert a new Part "CA-Deductions in respect of other incomes" in Chapter VI-A containing section 80TTA therein relating to deduction in respect of interest on deposits in savings account.

Under the proposed new section, a deduction up to an extent of ten thousand rupees in aggregate shall be allowed to an assessee, being an individual or a Hindu undivided family, in respect of any income by way of interest on deposits (not being time deposits) in a savings account with –

- (i) a banking company to which the Banking Regulation Act, 1949, applies (including any bank or banking institution referred to in section 51 of that Act);
- (ii) a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank); or
- (iii) a post office as defined in clause (k) of section (2) of the Indian Post Office Act, 1898.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 31* of the Bill seeks to amend section 90 of the Income-tax Act relating to agreement with foreign countries or specified territories.

The existing provisions of the aforesaid section 90 confers power upon the Central Government to enter into agreement with the Government of any specified territory outside India in addition to entering into agreement with foreign countries.

It is proposed to insert a new sub-section (2A) in the aforesaid section 90 so as to provide that the provisions of newly inserted Chapter X-A shall apply even if such provisions are not beneficial to the assessee.

It is further proposed to insert a new sub-section (4) in the aforesaid section so as to provide that an assessee, not being a resident, to whom an agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing prescribed particulars, of his being a resident in any country outside India or specified territory outside India, as the case may be, is obtained by him from the Government of that country or specified territory.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

The existing sub-section (3) of the aforesaid section provides that any term used but not defined in this Act or in the agreement referred to in sub-section (1) shall, unless the context otherwise requires, and is not inconsistent with the provisions of this Act or the agreement, have the same meaning as assigned to it in the notification issued by the Central Government in the Official Gazette in this behalf.

It is proposed to insert an *Explanation* after *Explanation* 2 in the aforesaid section so as to provide that for the removal of doubts, it is hereby declared that where any term is used in any agreement entered into under sub-section (1) and not defined in the agreement or the Act, but is assigned a meaning to it in the notification issued under sub-section (3) and such notification issued thereunder being

in force, then, the meaning assigned to such term shall be deemed to have effect from the date on which the said agreement came into force.

This amendment will take effect retrospectively from 1st October, 2009.

*Clause 32* of the Bill seeks to amend section 90A of the Income-tax Act relating to adoption by Central Government of agreement between specified associations for double taxation relief.

The existing provisions of the aforesaid section 90A provides that any specified association in India may enter into agreement with any specified association in a specified territory outside India and the Central Government may, by notification in the Official Gazette, make the necessary provisions for adopting and implementing such agreement for grant of double taxation relief, for avoidance of double taxation or exchange of information for the prevention of evasion of avoidance of income-tax or for recovery of income-tax. It further provides that in relation to any assessee to whom the agreement referred to in the said section applies, the provisions of the Income-tax Act shall apply to the extent they are more beneficial to the assessee. It also provides that any term used but not defined in the income-tax Act or the said agreement shall have the same meaning as assigned to it in the notification issued by the Central Government, unless the context otherwise requires and it is not inconsistent with the provisions of the Income-tax Act or the said agreement.

It is proposed to insert a new sub-section (2A) in the aforesaid section 90A so as to provide that the provisions of newly inserted Chapter X-A shall apply even if such provisions are not beneficial to the assessee.

It is further proposed to insert a new sub-section (4) in the aforesaid section so as to provide that an assessee, not being a resident, to whom the agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing prescribed particulars, of his being a resident in any specified territory outside India is obtained by him from the Government of that specified territory.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

The existing sub-section (3) of the aforesaid section provides that any term used but not defined in the Income-tax Act or in the said agreement shall have the same meaning as assigned to it in the notification issued by the Central Government, unless the context otherwise requires and it is not inconsistent with the provisions of the Income-tax Act or the said agreement.

It is proposed to insert an *Explanation* in the aforesaid section so as to provide that for the removal of doubts, it is hereby declared that any term used in any agreement, where such agreement is entered into under sub-section (1) and not defined under the agreement or the Act, but is assigned a meaning to it in the notification issued under sub-section (3) and the notification issued thereunder being in force, then, the meaning assigned to such term shall be deemed to have effect from the date on which the said agreement came into force.

This amendment will take effect retrospectively from 1st June, 2006.

*Clause 33* of the Bill seeks to amend section 92 of the Income-tax Act relating to computation of income from international transaction having regard to arm's length price.

The existing provisions of the aforesaid section 92 provide that income arising from an international transaction shall be computed having regard to arm's length price.

It is proposed to amend the aforesaid section to insert a new sub-section (2A) so as to provide that any allowance for an expenditure or interest or allocation of any cost or expense or any income in relation to the specified domestic transaction shall be computed having regard to the arm's length price.

It is further proposed to amend sub-sections (2) and (3) of the aforesaid section to substitute the expression "international transaction or specified domestic transaction" in place of "international transaction" so as to include therein the specified domestic transaction and apply the provisions of sub-sections (2) and (3) to specified domestic transactions.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 34* of the Bill seeks to amend section 92B of the Income-tax Act relating to meaning of international transaction.

The existing provisions of the aforesaid section 92B provide the definition of "international transaction" for the purposes of the said section and sections 92, 92C, 92D and 92E.

It is proposed to insert an *Explanation* to the aforesaid section so as to clarify the definition of the expressions "international transaction" and "intangible property".

This amendment will take effect retrospectively from 1st April, 2002 and will, accordingly, apply in relation to the assessment year 2002-2003 and subsequent assessment years.

*Clause 35* of the Bill seeks to insert a new section 92BA in the Income-tax Act relating to meaning of specified domestic transaction.

The proposed new section 92BA provides for meaning of "specified domestic transaction" with reference to which the income is computed under section 92 having regard to arm's length price.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 36* of the Bill seeks to amend section 92C of the Income-tax Act relating to computation of arm's length price.

The existing provisions of sub-section (2) of the aforesaid section 92C provide that where more than one price is determined by the most appropriate method, then, the arm's length price shall be taken to be arithmetical mean of such price. Further, the second proviso to the said sub-section provides that if the variation between the arm's length price as determined and price at which the international transaction has actually been undertaken does not exceed such percentage as may be notified by the Central Government in this behalf, the price at which the international transaction has actually been undertaken shall be deemed to be the arm's length price.

The provisions contained in the first proviso to sub-section (2) of section 92C, as it stood before its amendment by the Finance (No. 2) Act, 2009 provides that where more than one price is determined by the most appropriate method, the arm's length price shall be taken to be the arithmetical mean of such prices, or, at the option of the assessee, a price which may vary from the arithmetical mean by an amount not exceeding five per cent. of such arithmetical mean.

The existing provisions of second proviso to sub-section (2) of the aforesaid section 92C provides that the variation between the arm's length price so determined and price at which the international transaction has actually been undertaken does not exceed such percentage of latter as may be notified by the Central Government in the Official Gazette in this behalf, the price at which the international transaction has actually been undertaken shall be deemed to be the arm's length price.

It is proposed to amend the aforesaid second proviso so as to confer power upon the Central Government to notify the limit of percentage as not exceeding three per cent. of the latter in case of the variation between the arm's length price so determined and price at which the international transaction has actually been undertaken.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is further proposed to insert an *Explanation* after the second proviso to sub-section (2) of the aforesaid section so as to clarify that the provisions of the second proviso shall also be applicable to any assessment or reassessment proceedings for computation of arm's length price, if pending as on the 1st day of October, 2009 before an Assessing Officer.

This amendment will take effect retrospectively from 1st October, 2009.

It is also proposed to insert new sub-section (2A) to the aforesaid section so as to provide that where the first proviso to sub-section (2) as it stood before its amendment by the Finance (No. 2) Act, 2009, is applicable in respect of an international transaction for an assessment year and the variation between the arithmetical mean referred to in said proviso and the price at which such transaction has actually been undertaken exceeds five per cent. of the arithmetical mean, then, the assessee shall not be entitled to exercise the option as referred to in the said proviso.

These amendments will take effect retrospectively from 1st April, 2002 and will, accordingly, apply in relation to the assessment year 2002-2003 and subsequent assessment years.

It is also proposed to insert new sub-section (2B) to the aforesaid section so as to provide that nothing contained in sub-section (2A) shall empower the Assessing Officer either to assess or reassess under section 147 or pass an order enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154 for any assessment year the proceedings of which have been completed before the 1st day of October, 2009.

This amendment will take effect from 1st July, 2012.

*Clause 37* of the Bill seeks to amend Chapter X of the Income-tax Act relating to special provisions relating avoidance of tax.

The existing provisions of the aforesaid Chapter X makes special provisions relating to avoidance of tax. Sections 92C, 92D and 92E under the aforesaid Chapter provide for meaning of international transaction, maintenance and keeping of information and document by persons entering into an international transaction and report from an accountant to be furnished by person entering into international transaction.

It is proposed to amend the aforesaid sections to substitute the words "international transaction or specified domestic transaction", for the words "international transaction" wherever they occur so as to extend the provisions of the aforesaid sections to the specified domestic transaction.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 38* of the Bill seeks to amend section 92CA of the Income-tax Act relating to reference to Transfer Pricing Officer.

The existing provisions of the aforesaid section 92CA provide for reference to Transfer Pricing Officer for computation of arm's length price in relation to an international transaction.

It is proposed to amend sub-sections (1), (2) and (3) of the aforesaid section to substitute the expression "international transaction or specified domestic transaction" in place of "international transaction" so as to include in the aforesaid section the specified domestic transaction for the purposes of computation of arm's length price.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is further proposed to insert a new sub-section (2B) in the aforesaid section so as to provide that where in respect of an international transaction, the assessee has not furnished the report under section 92E and such transaction comes to the notice of the Transfer Pricing Officer in the course of proceeding before him, then he shall be empowered to take into account such transaction as if it is an international transaction referred to him by the Assessing Officer under sub-section (1) and all the provisions of Chapter X of the Income-tax Act shall apply accordingly.

This amendment will take effect retrospectively from 1st June, 2002.

It is also proposed to insert a new sub-section (2C) so as to provide that nothing contained in this sub-section shall empower the Assessing Officer either to reassess under section 147 or pass an order enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154, for any assessment year commencing on or before 1st April, 2012.

This amendment will take effect from 1st July, 2012.

*Clause 39* of the Bill seeks to insert new sections 92CC and 92CD in the Income-tax Act relating to advance pricing agreement and effect to advance pricing agreement.

The aforesaid new section 92CC is proposed to provide that the Board, with the approval of the Central Government, may enter into an advance pricing agreement with any person,

determining the arm's length price, specifying the manner in which arm's length price is to be determined, in relation to an international transaction, to be entered into by that person.

It is further proposed to provide that the manner of determination of arm's length price referred to in sub-section (1) may include the methods, as referred to in sub-section (1) of section 92C or any other method, with such adjustments or variations, as may be necessary or expedient so to do.

It is also proposed to provide that the arm's length price of any international transaction, in respect of which the advance pricing agreement has been entered into, notwithstanding anything contained in section 92C or section 92CA, shall be determined in accordance with the advance pricing agreement so entered.

It is also proposed to provide that the agreement referred to in sub-section (1) shall be valid for such period as specified in the agreement which in no case shall exceed five consecutive previous years.

It is also proposed to provide that the advance pricing agreement entered into shall be binding on the person in whose case, and in respect of the transaction in relation to which, the agreement has been entered into and on the Commissioner, and the income-tax authorities subordinate to him, in respect of the said person and the said transaction. However, the agreement shall not be binding if there is a change in law or facts having bearing on the agreement so entered.

It is also proposed to provide that the Board may with the approval of the Central Government, by an order, declare an agreement to be void *ab initio*, if it finds that the agreement has been obtained by the person by fraud or misrepresentation of facts.

It is also proposed to provide that upon declaring the agreement void *ab initio* all the provisions of the Act shall apply to the person as if such agreement had never been entered into and notwithstanding anything contained in the Act, for the purpose of computing any period of limitation under this Act, the period beginning with the date of such agreement and ending on the date of the order under sub-section (7) shall be excluded. However, where immediately after the exclusion of the aforesaid period, the period of limitation, referred to in any provision of this Act, is less than sixty days, such remaining period shall be extended to sixty days and the aforesaid period of limitation shall be deemed to be extended accordingly.

It is also proposed to provide that the Board may, for the purposes of this section, prescribe a Scheme specifying therein the manner, form, procedure and any other matter generally in respect of the advance pricing agreement.

It is also proposed to provide that where an application is made by a person for entering into an agreement referred to in sub-section (1), proceedings shall be deemed to be pending in the case of the person for purposes of the Act.

The aforesaid new section 92CD is proposed to provide that notwithstanding anything to the contrary contained in section 139, where any person has entered into an agreement and prior to the date of entering into the agreement any return of income has been furnished under the provisions of section 139 for any assessment year relevant to a previous year to which such agreement applies, such person shall furnish, within a period of three months from the end of the month in which the said agreement was entered into, a modified return in accordance with and limited to the agreement.

It is further proposed to provide that save as otherwise provided in this section, all the other provisions of this Act shall apply accordingly as if the modified return is a return furnished under section 139.

It is also proposed to provide that if the assessment or reassessment proceedings for an assessment year relevant to a previous year to which the agreement applies have been completed before the expiry of period allowed for furnishing of modified return under sub-section (1) and the Assessing Officer shall, in a case where modified return is filed in accordance with the provisions of sub-section (1), proceed to assess or reassess or recompute the total income of the relevant assessment year having regard to and in accordance with the agreement.

It is also proposed to provide that where the assessment or reassessment proceedings for an assessment year relevant to the previous year to which the agreement applies are pending on the date of filing of modified return in accordance with the provision of sub-section (1), the Assessing Officer shall proceed to complete the assessment or reassessment proceedings in accordance with the agreement taking into consideration the modified return so furnished.

It is also proposed to provide that notwithstanding anything contained in section 153 or section 153B or section 144C the order of assessment, reassessment or re-computation of total income under sub-section (2) shall be passed within a period of one year from the end of the financial year in which the modified return under sub-section (1) is furnished and the period of limitation as provided in section 153 or section 153B or section 144C, for completion of pending assessment or reassessment proceedings referred to in sub-section (3) shall be extended by a period of twelve months.

It is also proposed to define the expressions "agreement" and the deemed provision relating to completion of assessment or reassessment proceedings for an assessment year.

These amendments will take effect from 1st July, 2012.

*Clause 40* of the Bill seeks to insert a new Chapter X-A consisting of new sections 95, 96, 97, 98, 99, 100, 101 and 102 in the Income-tax Act relating to general anti-avoidance rule.

The provisions of the proposed new section 95 provide that an arrangement entered into by an assessee may be declared to be an impermissible avoidance arrangement and consequences in relation to tax of such a declaration can be determined.

The proposed section 96 provides the definition and conditions under which an arrangement can be declared to be an impermissible avoidance arrangement. The section also provides for circumstances under which an arrangement shall be presumed to be entered into or carried out for main purpose of obtaining tax benefit.

The proposed section 97 provides for circumstances under which an arrangement shall be deemed to lack commercial substance.

The proposed section 98 provides for method of determination of consequences in relation to tax of an arrangement after it is declared to be an impermissible avoidance arrangement. It provides for certain illustrative but not exhaustive methods for determination of tax consequences.

The proposed section 99 provides that for determining tax benefits for the purposes of the newly inserted Chapter X-A parties who are connected may be treated as one and same person, accommodating party may be disregarded; any accommodating or other party to an arrangement may be treated as one and the same person; and an arrangement may be looked through.

The proposed section 100 provides that provisions of newly inserted Chapter X-A can be applied in alternative to or in addition to any other basis of determination of tax liability.

The proposed section 101 provides for power to prescribe guidelines for application of provisions of newly inserted Chapter X-A.

The proposed section 102 provides definition of certain terms relevant for newly inserted Chapter X-A.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 41* of the Bill seeks to amend section 111A of the Income-tax Act relating to tax on short-term capital gains in certain cases.

Under the existing provisions contained in sub-section (1) of the aforesaid section 111A, a special rate of tax of fifteen per cent. is provided on short-term capital gain arising from the transfer of a certain capital asset, being an equity share in a company or a unit of an equity oriented fund, where such transaction is chargeable to securities transaction tax.

The proviso to the aforesaid sub-section provides that in the case of an individual or a Hindu undivided family, being a resident, where the total income as reduced by such short-term capital gains is below the maximum amount which is not chargeable to income-tax, then, such short-term capital gains shall be reduced by the amount by which the total income as so reduced falls short of the maximum amount which is not chargeable to income-tax and the tax on the balance of such short-term capital gains shall be computed at the rate of ten per cent. It is proposed to amend the aforesaid proviso of the said sub-section so as to increase the tax on the balance of such short-term capital gains to fifteen per cent. instead of ten per cent.

This amendment will take effect retrospectively from 1st April, 2009 and will, accordingly, apply in relation to the assessment year 2009-2010 and subsequent assessment years.

*Clause 42* of the Bill seeks to amend section 115A of the Income-tax Act, relating to tax on dividends, royalty and technical service fees in the case of foreign companies.

The existing provisions of sub-section (1) of the aforesaid section 115A provides the rates at which income-tax shall be payable, where a total income of non-resident (not being a company) or a foreign company, includes any income by way of dividends (other than dividends referred to in section 115-O); or interest received from Government or an Indian concern on monies borrowed or debt incurred by the Government or the Indian concern in foreign currency; or interest received from an infrastructure debt fund referred to in clause (47) of section 10; or income received in respect of units, purchased in foreign currency, of a Mutual Fund specified under clause (23D) of section 10 of the Unit Trust of India.

It is proposed to amend clause (a) of the aforesaid sub-section to insert a new sub-clause (iiia) so as to provide the rates at which income-tax shall be payable, where the total income of a non-resident (not being a company) or a foreign company includes income received from the interest of the nature and extent referred to in section 194LC. Such income from interest shall be taxable at the rate of five per cent. It is further proposed to make consequential amendments in aforesaid clause to make reference of the said sub-clause (iiia).

This amendment will take effect from 1st July, 2012.

*Clause 43* of the Bill seeks to amend section 115BBA of the Income-tax Act relating to tax on non-resident sportsmen or sports associations.

The existing provisions of section 115BBA provides for imposition of ten per cent. tax where the total income of an assessee being a sportsman (including an athlete) who is not citizen of India and is a non-resident, includes any income received or receivable by way of participation in India in any game (other than a game the winnings wherefrom are taxable under section 115BB) or sport or advertisement or contribution of articles relating to any game or sport in India in newspapers, magazines or journals or being a non-resident sports association or institution includes any amount guaranteed to be paid or payable to such associations or institutions in relation to any games (other than a game the winnings wherefrom are taxable under section 115BB) or sport played in India, the income-tax payable by the assessee on such income shall be the aggregate of the amount of income tax calculated on income at the rate of ten per cent.

It is proposed to insert a new clause (c) in sub-section (1) of the aforesaid section so as to include any income received or receivable by an entertainer, who is not a citizen of India and is a non-resident, from his performance in India and also to increase the tax on income referred to in this section from ten per cent. to twenty per cent.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 44* of the Bill seeks to amend section 115BBD of the Income-tax Act relating to tax on certain dividends received from foreign companies.

The existing provisions of aforesaid section 115BBD provide that where the total income of an assessee, being an Indian company, for the previous year relevant to the assessment year beginning on the 1st day of April, 2012, includes any income by way of dividends declared, distributed or paid by a subsidiary foreign company, the income-tax payable shall be the aggregate of the amount of income-tax calculated on the income by way of such dividends at the rate of fifteen per cent. and the amount of income-tax with which the assessee would have been chargeable had its total income been reduced by the amount of aforesaid income by way of dividends. It is further provided that no deductions in respect of any expenditure or allowance shall be allowed for computing its income by way of dividend.

It is proposed to extend the applicability of taxation provisions in respect of foreign dividends to the income by way of dividends received during the financial year 2012-2013 also.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014.

*Clause 45* of the Bill seeks to insert a new section 115BBE in the Income-tax Act relating to tax on income referred to in section 68 or section 69 or section 69A or section 69B or section 69C or section 69D.

Sub-section (1) of the proposed new section 115BBE provides that where the total income of an assessee includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D, the income-tax payable shall be the aggregate of- (a) the amount of income-tax calculated on income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D, at the rate of thirty per cent.; and (b) the amount of income-tax with which the assessee would have been chargeable had his total income being reduced by the amount of income referred to in clause (a) of the said sub-section.

Sub-section (2) of the aforesaid new section provides that notwithstanding anything contained in the Act, no deduction in respect of any expenditure or allowance shall be allowed to the assessee under any provisions of this Act in computing his income referred to in clause (a) of sub-section (1).

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 46* of the Bill seeks to amend section 115JB of the Income-tax Act relating to special provision for payment of tax by certain companies.

The existing provisions of sub-section (2) of aforesaid section 115JB provide that every assessee being a company shall prepare its profit and loss account in accordance with the provisions of Part-II and Part-III of Schedule VI to the Companies Act.

It is proposed to amend the aforesaid sub-section so as to provide that every assessee, (a) being a company, other than a company to which the proviso to sub-section (2) of section 211 of the Companies Act, 1956 is applicable, shall, for the purposes of the aforesaid section, prepare its profit and loss account for the relevant previous year in accordance with the provisions of Part II of Schedule VI to the Companies Act, 1956; or (b) being a company, to which the proviso to sub-section (2) of section 211 of the Companies Act, 1956 is applicable, shall, for the purposes of this section, prepare its profit and loss account for the relevant previous year in accordance with the provisions of the Act governing such company.

*Explanation 1* to the aforesaid section provides “book profit” means the net profit as shown in the profit and loss account for the relevant previous year under sub-section (2) of the aforesaid section as increased by the amount specified in clause (a) to clause (i).

It is proposed to amend the aforesaid *Explanation* to insert a new clause after clause (i) so as to provide that the book profit shall be increased by the amount standing in revaluation reserve relating to revalued asset on the retirement or disposal of such asset, if not credited to the profit and loss account.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 47* of the Bill seeks to amend the heading of Chapter XII-BA of the Income-tax Act relating to special provisions relating to certain limited liability partnerships.

The existing heading of the aforesaid Chapter XII-BA provides for special provisions relating to certain limited liability partnerships. It is proposed to substitute the words “PERSONS OTHER THAN A COMPANY” in place of the words “LIMITED LIABILITY PARTNERSHIPS” so as to make the special provisions under the said Chapter relating to certain persons other than a company.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 48* of the Bill seeks to substitute section 115JC of the Income-tax Act relating to special provisions for payment of tax by certain limited liability partnerships.

The existing provisions of the aforesaid section 115JC provide that where the regular income-tax payable for a previous year by any limited liability partnership is less than the alternate minimum tax payable for such previous year, the adjusted total income shall be deemed to be the total income of such limited liability partnership and it shall be liable to pay income-tax on such total income at the rate of eighteen and one-half per cent. It further provides that the adjusted total income shall be the total income before giving effect to the Chapter XII-BA as increased by deductions claimed under any section included in Chapter VI-A under the heading “C.—Deductions in respect of certain incomes” and deduction claimed under section 10AA.

It is proposed to substitute the aforesaid section so as to provide that where the regular income-tax payable for a previous year by any person, other than a company, is less than the alternate minimum tax payable for such previous year, the adjusted total income shall be deemed to be the total income of such person and he shall be liable to pay income-tax on such total income at the rate of eighteen and one-half per cent.

For the purpose of the aforesaid provision, the adjusted total income shall be the total income before giving effect to the Chapter XII-BA as increased by deductions claimed under any section (other than section 80P) included in Chapter VI-A under the heading “C.—Deductions in respect of certain incomes” and deduction claimed under section 10AA.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 49* of the Bill seeks to amend section 115JD of the Income-tax Act relating to tax credit for alternate minimum tax.

The existing provisions of sub-section (1) of the aforesaid section 115JD provide that the credit for tax paid by limited liability partnership under section 115JC shall be the excess of the alternate minimum tax paid over the regular income-tax payable.

It is proposed to substitute “a person under section 115JC shall be allowed to him” in place of “a limited liability partnership under section 115JC shall be allowed to it” used in the aforesaid section so as to provide that the credit for tax paid by a person under section 115JC shall be allowed to him in accordance with the provision of said section.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 50* of the Bill seeks to amend section 115JE of the Income-tax Act relating to application of other provisions of this Act.

The existing provisions of the aforesaid section 115JE provide that save as provided in Chapter XII-BA, all other provisions of the Income-tax Act shall apply to a limited liability partnership.

It is proposed to substitute “a person” in place of “a limited liability partnership” used in the aforesaid section so as to provide that save as provided in Chapter XII-BA, all other provisions of the Income-tax Act shall apply to a person referred to in the said Chapter.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 51* of the Bill seeks to insert a new section 115JEE relating to application of Chapter XII-BA to certain persons.

Sub-section (1) of the proposed new section 115JEE provides that the provisions of Chapter XII-BA shall apply to a person who has claimed any deduction under any section (other than section 80P) included in Chapter VI-A under the heading “C.— *Deductions in respect of certain incomes*”; or section 10AA.

Sub-section (2) of the aforesaid new section provides that the provisions of Chapter XII-BA shall not apply to an individual or a Hindu undivided family or an association of persons or a body of individuals, whether incorporated or not, or an artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2, if the adjusted total income of such person does not exceed twenty lakh rupees.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 52* of the Bill seeks to amend section 115JF of the Income-tax Act relating to interpretation in Chapter XII-BA.

The existing provisions of the aforesaid section 115JF define the expressions “accountant”, “alternate minimum tax”, “limited liability partnership” and “regular income-tax” for the purposes of Chapter XII-BA.

It is proposed to omit clause (c) relating to the definition of “limited liability partnership”.

It is further proposed to substitute “a person on his total income” in place of “a limited liability partnership on its total income” used in clause (d) thereof.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 53* of the Bill seeks to amend section 115-O of the Income-tax Act relating to tax on distributed profits of domestic companies.

The existing provisions in sub-section (1A) of the aforesaid section 115-O provide that the amount of dividends referred to in sub-section (1) shall be reduced by the amount of dividend, if any, received by the domestic company during the financial year, if (a) such amount of dividend is received from its subsidiary; (b) the subsidiary has paid tax under this section on such dividend; and (c) the domestic company is not a subsidiary of any other company. The said sub-section also provides that the same amount of dividend shall not be reduced more than once.

It is proposed to amend clause (i) of aforesaid sub-section (1A) so as to provide that in case domestic company receives during the year any dividend from any of its subsidiary and the subsidiary has paid dividend distribution tax, which is payable, on such dividend, then the said amount, if it is distributed as dividend by the domestic company being the holding company in the same year, shall not be subject to dividend distribution tax under the aforesaid section. It is also proposed to omit sub-clause (c), so as to remove the condition that such domestic company is not a subsidiary of any other company.

This amendment will take effect from 1st July, 2012.

*Clause 54* of the Bill seeks to amend section 115U of the Income-tax Act relating to tax on income in certain cases.

The existing provisions of sub-section (1) of the aforesaid section 115U provide that any income received by a person out of investments made in a venture capital company or venture capital fund shall be chargeable to income-tax in the same manner as if it were the income received by such person had he made investments directly in the venture capital undertaking.

It is proposed to amend the aforesaid sub-section (1) to substitute the words “income received” with the words “income accruing or arising to or received” so as to provide that any income accruing or arising to or received by a person out of investment made in a venture capital company or a venture capital fund shall be taxed as if it were income accrued, arisen to or received by such person from investment directly in the venture capital undertaking.

The existing provisions of sub-section (2) of the aforesaid section provide that the person responsible for making payment of the income on behalf of a venture capital company or a venture capital fund and the venture capital company or venture capital fund shall furnish, within such time as may be prescribed, to the person receiving such income and to the prescribed income-tax authority, a statement in the prescribed form and verified in the prescribed manner, giving details of the nature of the income paid during the previous year and such other relevant details as may be prescribed.

It is proposed to amend the aforesaid sub-section (2) so as to provide that the person responsible for crediting or making payment of the income on behalf of a venture capital company or venture capital fund and the venture capital company or venture capital fund shall furnish a statement in the prescribed form, giving details of the nature of the income paid or credited during the period, to the person who is liable to tax in respect of such income and to the prescribed income-tax authority.

The existing provisions of sub-section (3) of the aforesaid section provide that the income paid by the venture capital company and the venture capital fund shall be deemed to be of the same nature and in the same proportion in the hands of the person receiving such income as it had been received by, or had accrued to, the venture capital company or the venture capital fund, as the case may be, during the previous year.

It is proposed to amend the aforesaid sub-section (3) so as to provide that the income paid or credited by the venture capital company and the venture capital fund shall be deemed to be of the same nature and in the same proportion in the hands of the person referred to in sub-section (1) as it had been received by, or had accrued or arisen to, the venture capital company or the venture capital fund, as the case may be, during the previous year.

The existing provisions of sub-section (4) of the aforesaid section provide that the provisions of Chapter XII-D or Chapter XII-E or Chapter XVII-B shall not apply to the income paid by a venture capital company or venture capital fund under the Chapter "Special Provisions Relating to Tax on Income Received from venture capital companies and venture capital funds".

It is proposed to substitute the aforesaid sub-section so as to provide that the income accruing or arising to or received by the venture capital company or venture capital fund, during a previous year, from investments made in venture capital undertaking if not paid or credited to the person referred to in sub-section (1) shall be deemed to have been credited to the account of the said person on the last day of the previous year in the same proportion in which such person would have been entitled to receive the income had it been paid in the previous year.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is also proposed to insert a new *Explanation* so as to clarify that any income which has been included in total income of the person referred to in sub-section (1) in a previous year, on account of it having accrued or arisen in the said previous year, shall not be included in the total income of such person in the previous year in which such income is actually paid to him by the venture capital fund or venture capital company.

This amendment will take effect from 1st July, 2012.

*Clause 55* of the Bill seeks to amend section 115VG of the Income-tax Act relating to computation of tonnage income.

The existing Table in sub-section (3) of the aforesaid section provides for the amount of daily tonnage income of a qualifying ship.

It is proposed to substitute the aforesaid Table so as to increase the amount of daily tonnage income of a qualifying ship.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 56* of the Bill seeks to amend section 139 of the Income-tax Act relating to return of income.

The existing provisions of sub-section (1) of the aforesaid section 139 provide that every person, if his total income or the total income of any other person in respect of which he is assessable under the Income-tax Act during the previous year exceeded the maximum amount which is not chargeable to income-tax, shall, on or before the due date, furnish a return of his income or the income of such other person during the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed.

It is proposed to amend the aforesaid sub-section by inserting a proviso after the third proviso so as to provide that a person, being a resident, who is not required to furnish a return under this sub-section and who during the previous year has any asset (including any financial interest in any entity) located outside India or signing authority in any account located outside India, shall furnish, on or before the due date, a return in respect of his income or loss for the previous year in such form and verified in such manner and setting forth such other particulars as may be prescribed.

The existing provisions of clause (a) of *Explanation* 2 to sub-section (1) of the aforesaid section 139 provides the due date for filing return of income, in the case of company other than a company referred to in clause (aa); or a person "other than a company" whose accounts are required to be audited under the Income-tax Act or under any other law for the time being in force; or a working partner of a firm whose accounts are required to be audited under the Income-tax Act or under any other law for time being in force shall be the 30th day of September of the assessment year.

Clause (aa) of the aforesaid *Explanation* provides that in the case of assessee which is a company, which is required to furnish a report from an accountant by persons entering into international transaction under section 92E, the due date for filing return of income shall be the 30th day of November of the assessment year.

It is proposed to amend the aforesaid clauses (a) and (aa) so as to extend the due date for filing return of income in case of all the persons who are required to furnish a report referred to section 92E.

These amendments will take effect retrospectively from 1st April, 2012 and will, accordingly, apply in relation to the assessment year 2012-2013 and subsequent assessment years.

*Clause 57* of the Bill seeks to amend section 140A of the Income-tax Act relating to self-assessment.

The existing provisions of sub-section (1) of the aforesaid section 140A provide that the assessee is liable to pay tax after taking into account the amount specified in clause (i) to clause (v) together with the interest payable under any provision of the Act before furnishing the return of income.

It is proposed to insert "or section 115JD" after "section 115JAA" in clause (v) of sub-section (1); sub-clause (e) of clause (i) of sub-section (1A) and clause (iv) of the *Explanation* to sub-section (1B) of the aforesaid section so as to provide that credit available to be set off in accordance with the provisions of section 115JD will also be taken into account under section 140A for the purposes of computing tax payable, and interest chargeable under sections 234A and 234B, before furnishing the return of income.

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 58* of the Bill seeks to amend section 143 of the Income-tax Act relating to assessment.

The existing provision of aforesaid section 143, *inter alia*, provides that where a return has been made in section 139 or in response to a notice under sub-section (1) of section 142, such return shall be processed in the manner provided therein.

It is proposed to insert a new sub-section (1D) in the aforesaid section so as to provide that notwithstanding anything contained in sub-section (1), processing of a return shall not be necessary, where a notice has been issued to the assessee under sub-section (2).

This amendment will take effect from 1st July, 2012.

It is further proposed to insert a new proviso to sub-section (3) of the aforesaid section so as to provide that notwithstanding anything contained in the first and the second proviso, no effect shall be given by the Assessing Officer to the provisions of clause (23C) of section 10 in case of a trust or institution for a previous year, if the provisions of first proviso to clause (15) of section 2 become applicable in the case of such person in such previous year whether or not the approval granted to such trust or institution or notification issued in respect of such trust or institution has been withdrawn or rescinded.

This amendment will take effect retrospectively from 1st April, 2009 and will, accordingly, apply in relation to the assessment year 2009-2010 and subsequent assessment years.

*Clause 59* of the Bill seeks to insert a new section 144BA in the Income-tax Act relating to reference to Commissioner in certain cases.

The proposed sub-section (1) of the aforesaid new section 144BA provides that the Assessing Officer, if at any stage of assessment or reassessment proceedings considers it necessary to invoke provisions of the newly inserted Chapter X-A, shall refer the matter to the Commissioner.

The proposed sub-section (2) of the aforesaid new section provides that on receipt of reference from Assessing Officer if Commissioner is of the opinion that the provisions of newly inserted Chapter X-A are required to be invoked, he shall issue notice to the assessee seeking objections within the time specified in notice. It is provided that the time given in notice shall not exceed sixty days and notice shall disclose reasons and basis of proposed action.

The proposed sub-section (3) of the aforesaid new section provides that if the assessee does not object or respond to the notice the Commissioner may issue such directions as he deems fit regarding declaration of an arrangement as an impermissible avoidance arrangement.

The proposed sub-section (4) of the aforesaid new section provides that if the assessee object to invocation of provisions of Chapter X-A and Commissioner is not satisfied with reply of assessee and having heard the assessee, refer the matter to an Approving Panel.

The proposed sub-section (5) of the aforesaid new section provides that if, after hearing the assessee, the Commissioner is satisfied that it is not a fit case for invoking provisions of Chapter X-A, he may pass an order in writing with copy to the Assessing Officer and the assessee.

The proposed sub-section (6) of the aforesaid new section provides that Approving Panel on receipt of reference from Commissioner shall issue such directions as it deems fit in respect of declaration of an arrangement as an impermissible avoidance arrangement. It may also provide in direction the previous year or years to which such direction shall apply.

The proposed sub-section (7) of the aforesaid new section provides that a direction prejudicial either to assessee or revenue shall not be issued unless opportunity of being heard has been granted to assessee or the Assessing Officer, as the case may be.

The proposed sub-section (8) of the aforesaid new section provides that Approving Panel may before issuing directions can call for records or evidences and direct Commissioner to carry out further inquiry and submit report.

The proposed sub-section (9) of the aforesaid new section provides that in case of difference in opinion on an issue the direction shall be issued according to majority opinion.

The proposed sub-section (10) of the aforesaid new section provides that every direction issued by Approving Panel or Commissioner shall be binding on Assessing Officer and Assessing Officer shall complete the proceeding in accordance with such directions and provisions of newly inserted Chapter X-A.

The proposed sub-section (11) of the aforesaid new section provides that if direction is applicable to any other previous year other than in respect of which reference was made, then, while completing assessment or reassessment proceedings for such other previous years, Assessing Officer shall be bound by directions and provisions of Chapter X-A and fresh reference on the issue would not be required.

The proposed sub-section (12) of the aforesaid new section provides that assessment or reassessment order where provisions of Chapter X-A are invoked shall be passed by the Assessing Officer only with prior approval of the Commissioner.

The proposed sub-section (13) of the aforesaid new section provides the limitation of six months from end of month of receipt of reference, by approving panel for issue of directions.

The proposed sub-section (14) of the aforesaid new section provides for constitution of Approving Panel by the Board consisting of income-tax authorities of rank of Commissioner or above and consisting of not less than three members.

The proposed sub-section (15) of the aforesaid new section provides the power to Board to frame rules for purpose of efficient functioning of the Approving Panel.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 60* of the Bill seeks to amend section 144C of the Income-tax Act relating to reference to dispute resolution panel.

The existing provisions contained in sub-section (4) of the aforesaid section 144C provide that the Assessing Officer shall, notwithstanding anything contained in section 153 of the Income-tax Act, pass the assessment order under sub-section (3) within one month from the end of the month in which the acceptance is received or the period of filing of objections under sub-section (2) expires.

It is proposed to amend the aforesaid sub-section so as to give the reference of section 153B also in the said sub-section.

This amendment will take effect retrospectively from 1st October, 2009.

The existing provisions of sub-section (8) of the aforesaid section 144C provide that the Dispute Resolution Panel may confirm, reduce or enhance the variations proposed in the draft order so, however, that it shall not set aside any proposed variation or issue any direction under sub-section (5) for further enquiry and passing of the assessment order.

It is proposed to insert an *Explanation* in the aforesaid sub-section so as to clarify that the power of the Dispute Resolution Panel to enhance the variation shall include and shall be deemed always to have included the power to consider any matter arising out of the assessment proceedings relating to the draft order, notwithstanding that such matter was raised or not by the eligible assessee.

This amendment will take effect retrospectively from 1st April, 2009.

The existing provisions of sub-section (13) of the aforesaid section 144C provide that upon receipt of the directions issued under sub-section (5), the Assessing Officer shall, in conformity with the directions, complete, notwithstanding anything to the contrary contained in aforesaid section 153, the assessment without providing any further opportunity of being heard to the assessee, within one month from the end of the month in which such direction is received.

It is proposed to amend the aforesaid sub-section so as to give the reference of section 153B also in the said sub-section.

This amendment will take effect retrospectively from 1st October, 2009.

It is proposed to insert a new sub-section (14A) in the aforesaid section 144C so as to provide that provisions of section 144C shall not apply to an assessment or reassessment order passed by the Assessing Officer with the approval of the Commissioner in accordance with sub-section (12) of newly inserted section 144BA.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 61* of the Bill seeks to amend section 147 of the Income-tax Act relating to income escaping assessment.

The existing provisions of the aforesaid section 147 enable the Assessing Officer to assess or re-assess income which has escaped assessment for any assessment year, after recording reasons for doing so. It is further provided that once an assessment is reopened, any other income which has escaped assessment and which comes to the notice of the Assessing Officer subsequently in the course of the proceeding under this section, can also be included in the assessment.

The first proviso to the aforesaid section provides that if an assessment has been made for the relevant assessment year under sub-section (3) of section 143 or this section, no action shall be taken under this section after the expiry of four years from the end of the relevant assessment year, unless the income has escaped

assessment due to the failure on the part of the assessee to file a return under section 139 or 142(1) or 148 or to disclose fully and truly all material facts necessary for his assessment.

*Explanation 2* to the aforesaid section clarifies the cases which shall also be deemed to be the cases where income chargeable to tax has escaped assessment.

It is proposed to insert a proviso to the aforesaid section so as to provide that nothing contained in the first proviso shall apply in a case where any income in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment for any assessment year.

It is further proposed to insert a new sub-clause (ba) to the aforesaid *Explanation*, so as to include therein the case where the assessee has failed to furnish a report in respect of any international transaction which he was required under section 92E for the purposes of deemed cases where income chargeable to tax has escaped assessment under the aforesaid section.

It is also proposed to insert a new clause (d) to *Explanation 2* so as to provide that income shall be deemed to have escaped assessment where a person is found to have any asset (including financial interest in any entity) located outside India.

The provisions of section 147 are procedural in nature. However, it is clarified by inserting a new *Explanation 4* to the aforesaid section that the above amendments shall also be applicable to the proceedings initiated under this section for any assessment year beginning on or before 1st April, 2012.

These amendments will take effect from 1st July, 2012.

*Clause 62* of the Bill seeks to amend section 149 of the Income-tax Act relating to time-limit for notice.

The existing provisions of sub-section (1) of the aforesaid section 149 provide that the time limit for reopening an assessment on account of income escaping assessment is six years where the income chargeable to tax which has escaped assessment amounts to or is likely to amount to one lakh rupees or more for that year.

It is proposed to insert a new clause (c) to the aforesaid sub-section so as to provide that if four years, but not more than sixteen years, have elapsed from the end of the relevant assessment year unless the income in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment.

The existing provisions of sub-section (3) of the aforesaid section 149 provide that if the person on whom a notice under section 148 is to be served is a person treated as the agent of a non-resident under section 163 and the assessment, reassessment or re-computation to be made in pursuance of the notice is to be made by him as the agent of such non-resident, the notice shall not be issued after the expiry of a period of two years from the end of the relevant assessment year.

It is proposed to amend the aforesaid sub-section to substitute the words "two years" with the words "six years" so as to provide that the notice shall not be issued after the expiry of a period of six years from the end of the relevant assessment year.

The provisions of section 149 are procedural in nature. However, it is clarified by inserting a new *Explanation* to the aforesaid section that the provisions of sub-sections (1) and (3) of

this section as amended by the Finance Act, 2012, shall also be applicable to the proceedings initiated under this section for any assessment year beginning on or before 1st April, 2012.

These amendments will take effect from 1st day of July, 2012.

*Clause 63* of the Bill seeks to amend section 153 of the Income-tax Act relating to time limit for completion of assessments and reassessments.

The existing provisions of the aforesaid section 153, *inter alia*, provide for time limit for completion of assessments and reassessments of total income by the Assessing Officer.

It is proposed to amend the aforesaid section so as to revise the time limits wherever specified for completion of assessments and reassessments. The revised time limits shall be the time limits specified under the aforesaid section, as respectively increased by three months.

The existing provisions contained in *Explanation 1* to the aforesaid section 153 provide that certain periods specified therein are to be excluded while computing the period of limitation laid down in the said section for completion of assessments and reassessments.

It is proposed to amend clause (viii) of the aforesaid *Explanation* so as to extend the period specified therein from six months to one year.

These amendments will take effect from 1st July, 2012.

It is proposed to insert a new clause (ix) in *Explanation 1* of the aforesaid section 153 so as to provide for exclusion of time period starting from receipt of reference by the Commissioner under sub-section (1) of newly inserted section 144BA and ending on date on which a direction under sub-section (3) or sub-section (6) or an order under sub-section (5) of newly inserted section 144BA is received by the Assessing Officer.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 64* of the Bill seeks to amend section 153A of the Income-tax Act relating to assessment in case of search or requisition.

It is proposed to insert a third proviso to the aforesaid sub-section so as to provide that the Central Government may by rules made by it and published in the Official Gazette, (except in cases where any assessment or reassessment has abated under the second proviso), specify the class or classes of cases in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made.

This amendment will take effect from 1st July, 2012.

*Clause 65* of the Bill seeks to amend section 153B of the Income-tax Act relating to time limit for completion of assessment under section 153A.

The existing provisions of sub-section (1) of section 153B provide for time limit for completion of assessment and reassessment by the Assessing Officer.

It is proposed to amend the aforesaid sub-section so as to revise the time limits specified in the aforesaid section for completion of assessments or reassessment in case of search or requisition. The

revised time limits shall be the time limits wherever specified under the aforesaid section, as respectively increased by three months.

The existing provisions contained in the *Explanation* to the aforesaid section 153B provide that certain periods specified therein are to be excluded while computing the period of limitation laid down in sub-section (1) of the said section for completion of assessments under section 153A.

It is proposed to amend clause (viii) of the aforesaid *Explanation* so as to extend the period specified therein from six months to one year.

These amendments will take effect from 1st July, 2012.

It is proposed to insert a new clause (ix) in the *Explanation* of the aforesaid section so as to provide for exclusion of time period starting from receipt of reference by the Commissioner under sub-section (1) of newly inserted section 144BA and ending on date on which a direction under sub-section (3) or sub-section (6) or an order under sub-section (5) of newly inserted section 144BA is received by the Assessing Officer.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 66* of the Bill seeks to amend section 153C of the Income-tax Act relating to assessment of income of any other person.

It is proposed to insert a second proviso to the aforesaid section 153C so as to provide that the Central Government may by rules made by it and published in the Official Gazette, specify the class or classes of cases in respect of such other person, in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made except in cases where any assessment or reassessment has abated.

This amendment will take effect from 1st July, 2012.

*Clause 67* of the Bill seeks to amend section 154 of the Income-tax Act relating to rectification of mistake.

It is proposed to insert a new clause (c) in sub-section (1) of the aforesaid section so as to provide that an income-tax authority may amend any intimation issued under sub-section (1) of section 200A.

It is further proposed to amend sub-section (2) of the aforesaid section so as to substitute the words "by the assessee" with the words "by the assessee or by the deductor".

It is also proposed to amend sub-section (3) of the aforesaid section so as to substitute the words "the assessee", wherever they occur, with the words "the assessee or the deductor".

The existing provisions of sub-section (5) of the aforesaid section provide that subject to the provisions of section 241, where any such amendment has the effect of reducing the assessment, the Assessing Officer shall make any refund which may be due to such assessee.

It is proposed to substitute the aforesaid sub-section so as to provide that where any such amendment has the effect of reducing the assessment or otherwise reducing the liability of the assessee or the deductor, the Assessing Officer shall make any refund which may be due to such assessee or the deductor.

It is further proposed to amend sub-section (6) of the aforesaid section so as to provide that where any amendment has the effect

of enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee or the deductor, the Assessing Officer shall serve on the assessee or the deductor, as the case may be, a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under section 156 and the provisions of this Act shall apply accordingly.

It is also proposed to amend sub-section (8) of the aforesaid section so as to substitute the words "by the assessee" with the words "by the assessee or the deductor".

These amendments will take effect from 1st July, 2012.

*Clause 68* of the Bill seeks to amend section 156 of the Income-tax Act relating to notice of demand.

The existing provisions contained in the proviso to the aforesaid section provide that where any sum is determined to be payable by the assessee under sub-section (1) of section 143, the intimation under that sub-section shall be deemed to be a notice of demand for the purposes of this section.

It is proposed to substitute the aforesaid proviso to section 156 so as to provide that where any sum is determined to be payable by the assessee or by the deductor under sub-section (1) of section 143 or sub-section (1) of section 200A, the intimation under those sub-sections shall be deemed to be a notice of demand for the purposes of this section.

This amendment will take effect from 1st July, 2012.

*Clause 69* of the Bill seeks to amend section 193 of the Income-tax Act relating to interest on securities.

Under the existing provisions contained in clause (v) of the aforesaid section 193, no tax is required to be deducted from any interest payable to an individual who is resident in India, on debentures issued by a company in which the public are substantially interested, if such debentures are listed on a recognised stock exchange in India; the interest is paid by the company by an account payee cheque; and the aggregate amount of interest payable by the company to such individual does not exceed two thousand and five hundred rupees.

It is proposed to substitute the aforesaid clause so as to provide that no deduction of income tax shall be made on any interest payable to an individual or a Hindu undivided family, who is resident in India, on any debenture issued by a company in which the public are substantially interested, if the interest is paid by the company by an account payee cheque and the amount of such interest or, as the case may be, the aggregate of the amounts of such interest paid or likely to be paid during the financial year by the company to such individual or a Hindu undivided family does not exceed five thousand rupees.

This amendment will take effect from 1st July, 2012.

*Clause 70* of the Bill seeks to amend section 194E of the Income-tax Act relating to payments to non-resident sportsmen or sports associations.

The existing provisions in section 194E provide that where any income referred to in section 115BBA is payable to a non-resident sportsman (including an athlete) who is a non-citizen of India or a non-resident sports association or institution, the person responsible for making the payment shall, at the time of credit of such income to

the account of the payee or at the time of payment thereof in cash or by issue of cheque or draft or by any other mode, whichever is earlier, deduct income-tax thereon at the rate of ten per cent.

It is proposed to amend the aforesaid section to make it also applicable to a non-resident entertainer who is a non-citizen and to increase the tax deduction at source on income referred to in the section from ten per cent. to twenty per cent.

This amendment will take effect from 1st July, 2012.

*Clause 71* of the Bill seeks to amend section 194J of the Income-tax Act relating to fees for professional or technical services.

The existing provisions in sub-section (1) of the aforesaid section 194J provide that a person, not being an individual or a Hindu undivided family, who is responsible for paying to a resident any sum by way of fees for professional services, fees for technical services royalty or sums referred to in clause (va) of section 28 shall deduct an amount equal to ten per cent. of such sum as income tax.

It is proposed to amend the aforesaid sub-section (1) to insert a new clause (ba) so as to provide that the person referred to in sub-section (1) of the aforesaid section who is responsible for paying to a director of a company any sum by way of any remuneration or fees or commission, by whatever name called (other than those on which tax is deductible under section 192), shall deduct an amount equal to ten per cent. of such sum as income-tax in accordance with the provisions of the aforesaid section.

This amendment will take effect from 1st July 2012.

*Clause 72* of the Bill seeks to amend section 194LA of the Income-tax Act relating to payment of compensation on acquisition of certain immovable property.

The existing provisions contained in the aforesaid section 194LA provide that any person responsible for paying to a resident any sum being in the nature of compensation or the enhanced compensation or the consideration or the enhanced consideration on account of compulsory acquisition, under any law for the time being in force, of any immovable property (other than agricultural land) shall, at the time of payment of such sum in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct an amount equal to ten per cent. of such sum as income-tax. However, the proviso to the aforesaid section provides that no tax will be required to be deducted where the amount of such payment or, as the case may be, the aggregate amount of such payments to a resident during the financial year does not exceed one hundred thousand rupees.

It is proposed to enhance the said limit from one hundred thousand rupees to two hundred thousand rupees.

This amendment will take effect from 1st July, 2012.

*Clause 73* of the Bill seeks to insert a new section 194LAA in the Income-tax Act relating to payment on transfer of certain immovable property other than agricultural land.

It is proposed to insert a new section 194LAA to provide that any person, being a transferee, responsible for paying (other than the person referred to in section 194LA) to a resident transferor any sum by way of consideration for transfer of any immovable property (other than agricultural land) shall deduct an amount equal

to one per cent. of such sum as income-tax at the time of credit of such sum to the account of transferor or at the time of payment of such sum in cash or by issue of cheque or by draft or by any other mode, whichever is earlier.

It is further proposed to provide that no deduction shall be made where the consideration paid or payable for the transfer of such property is less than fifty lakh rupees in case such property is situated in a specified area or is less than twenty lakh rupees in case such property is situated in any area other than the specified area.

It is also proposed to provide that if the consideration paid or payable for the transfer of such property is less than the value adopted or assessed or assessable by any authority of a State Government for the purpose of payment of stamp duty in respect of transfer of such property, the value so adopted or assessed or assessable shall, for the purposes of the aforesaid sub-section (1) or sub-section (2) be deemed to be the consideration paid or payable for the transfer of such property.

It is also proposed to provide that where any document required to be registered under clause (a) to clause (e) of sub-section (1) or sub-section (1A) of section 17 of the Indian Registration Act, 1908 purports to transfer, assign, limit or extinguish the right, title or interest of any person to or in any immovable property and in respect of which tax is required to be deducted under the aforesaid sub-section (1), no registering officer appointed under that Act shall register any such document unless the transferee furnishes the proof of deduction of income-tax in accordance with the provisions of this section and payment of sum so deducted to the credit of the Central Government in the prescribed form.

It is also proposed to provide that the provisions of section 203A shall not apply to a person required to deduct tax in accordance with the provisions of this section.

It is also proposed to provide an *Explanation* defining the expressions "agricultural land", "immovable property" and "specified area".

This amendment will take effect from 1st October, 2012.

*Clause 74* of the Bill seeks to insert a new section 194LC in the Income-tax Act, relating to income by way of interest from Indian company engaged in certain business.

The proposed new section 194LC provides that where any income by way of interest is payable to a non-resident, not being a company or to a foreign company by a specified company, the person responsible for making the payment shall deduct income-tax thereon at the rate of five per cent. at the time of credit of such income to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier.

It further provides that the interest shall be income by way of interest payable by the specified company in respect of any monies borrowed by it at any time on or after the 1st day of July, 2012 but before the 1st day of July, 2015; in foreign currency, from a source outside India under a loan agreement approved by the Central Government in this behalf; to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan and its repayment.

It also defines the expressions "foreign currency" and "specified company" for the purpose of the aforesaid section.

This amendment will take effect from 1st July, 2012.

*Clause 75* of the Bill seeks to amend section 195 of the Income-tax Act relating to other sums.

It is proposed to provide that sub-section (1) of the aforesaid section 195 providing the rate of deduction in respect of interest payment shall not apply to interest referred to in sections 194LB and 194LC for which separate rate of deduction is provided.

This amendment will take effect retrospectively from 1st April, 2012.

It is further proposed to insert a new Explanation in sub-section (1) of the aforesaid section 195 so as to clarify that the obligation to comply with sub-section (1) and make deduction thereunder applies and shall be deemed to have always applied and extends and shall be deemed to have always extended to all persons, resident or non-resident whether or not the non-resident person has a residence or place of business or business connection in India or any other presence in any manner whatsoever in India.

This amendment will take effect retrospectively from 1st April, 1962 and will, accordingly, apply in relation to assessment year 1962-1963 and subsequent assessment years.

It is also proposed to insert a new sub-section (7) in the aforesaid section so as to provide that notwithstanding anything contained in sub-section (1) and sub-section (2), the Board may, by notification in the Official Gazette, specify a class of persons or cases, where the person responsible for paying to a non-resident, not being a company, or to a foreign company, any sum, whether or not chargeable under the provisions of this Act, shall make an application to the Assessing Officer to determine, by general or special order, the appropriate proportion of sum chargeable, and upon such determination, tax shall be deducted under sub-section (1) on that proportion of the sum which is so chargeable.

This amendment will take effect from 1st July, 2012.

*Clause 76* of the Bill seeks to amend section 197A of the Income-tax Act relating to no deduction to be made in certain cases.

The existing provisions in sub-section (1C) of section 197A provide that no deduction of tax shall be made under section 193 or section 194 or section 194A or section 194EE or section 194K in the case of an individual resident in India, who is of the age of sixty-five years or more at any time during the previous year, if such individual furnishes to the person responsible for paying any income of the nature referred to in the aforesaid sections, a declaration in writing in duplicate in the prescribed form and verified in the prescribed manner to the effect that the tax on his estimated total income of the previous year in which such income is to be included in computing his total income will be *nil*.

It is proposed to amend the aforesaid sub-section so as to reduce the qualifying age for an individual resident from sixty-five years to sixty years.

This amendment will take effect from 1st July, 2012.

*Clause 77* of the Bill seeks to amend section 201 of the Income-tax Act relating to consequences of failure to deduct or pay.

It is proposed to insert a new proviso in sub-section (1) of the aforesaid section 201 so as to provide that any person, including the principal officer of a company, who fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the

account of a resident shall not be deemed to be an assessee in default in respect of such tax if such resident—

- (i) has furnished his return of income under section 139;
- (ii) has taken into account such sum for computing income in such return of income; and
- (iii) has paid the tax due on the income declared by him in such return of income,

and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed.

It is further proposed to insert a new proviso to sub-section (1A) of the aforesaid section so as to provide that in case any person, including the principal officer of a company fails to deduct the whole or any part of the tax in accordance with the provisions of this Chapter on the sum paid to a resident or on the sum credited to the account of a resident but is not deemed to be an assessee in default under the first proviso of sub-section (1), the interest under clause (i) shall be payable from the date on which such tax was deductible to the date of furnishing of return of income by such resident.

This amendment will take effect from 1st July, 2012.

The existing provisions of sub-section (3) of the aforesaid section 201 provide that no order shall be made under sub-section (1) of the said section deeming a person to be an assessee in default for failure to deduct the whole or any part of the tax from a person resident in India, at any time after the expiry of two years from the end of the financial year in a case in which the statement referred to in section 200 has been filed, and in any other case four years from the end of the financial year in which payment is made or credit is given.

It is proposed to amend clause (ii) of the aforesaid sub-section so as to extend the period of four years to six years.

This amendment will take effect retrospectively from 1st April, 2010.

It is also proposed to insert an *Explanation* after sub-section (4) of the aforesaid section so as to define the expression “accountant”.

This amendment will take effect from 1st July, 2012.

*Clause 78 of the Bill seeks to amend section 204 of the Income-tax Act relating to meaning of “person responsible for paying”.*

It is proposed to amend the aforesaid section 204 to insert a new clause so as to provide that in the case of credit, or as the case may be, payment of any sum chargeable under the provisions of this Act made by or on behalf of the Central Government or the Government of a State, the drawing and disbursing officer or any other person, by whatever name called, responsible for crediting, or as the case may be, paying such sum shall be the person responsible for paying within the meaning of definition under this section.

This amendment will take effect from 1st July, 2012.

*Clause 79 of the Bill seeks to amend section 206C of the Income-tax Act relating to the profits and gains from the business of trading in alcoholic liquor, forest produce, scrap, etc.*

The existing provisions of sub-section (1) of the aforesaid section 206C provide that every person, being a seller shall, at the time of debiting of the amount payable by the buyer to the account

of the buyer or at the time of receipt of such amount from the said buyer in cash or by the issue of a cheque or draft or by any other mode, whichever is earlier, collect from the buyer of any goods of the nature specified in column (2) of the Table, a sum equal to the percentage, specified in the corresponding entry in column (3) of the said Table, of such amount as income-tax.

It is proposed to amend the aforesaid sub-section so as to insert a new serial number (vii) relating to minerals, being coal or lignite or iron ore in the Table in said sub-section to provide for collection of tax at source at the rate of one per cent. in case of minerals, being coal or lignite or iron ore.

It is further proposed to insert a new sub-section (1D) in the aforesaid section to provide that every person, being a seller, who receives any amount in cash as consideration for sale of bullion or jewellery, shall, at the time of receipt of such amount in cash, collect from the buyer, a sum equal to one per cent. of sale consideration as income-tax, if the sale consideration exceeds two hundred thousand rupees.

It is also proposed to amend sub-sections (2), (3) and (9) of the aforesaid section which are consequential in nature.

It is also proposed to insert a new proviso to sub-section (6A) of the aforesaid section so as to provide that any person, other than a person referred to in sub-section (1D), responsible for collecting tax in accordance with the provisions of this section, who fails to collect the whole or any part of the tax on the amount received from a buyer or licensee or lessee or on the amount debited to the account of the buyer or licensee or lessee shall not be deemed to be an assessee in default in respect of such tax if such buyer or licensee or lessee—

- (i) has furnished his return of income under section 139;
- (ii) has taken into account such amount for computing income in such return of income; and
- (iii) has paid the tax due on the income declared by him in such return of income,

and also furnishes a certificate to this effect from an accountant in such form as may be prescribed.

It is also proposed to insert a new proviso to sub-section (7) of the aforesaid section so as to provide that in case any person, other than a person referred to in sub-section (1D), responsible for collecting tax in accordance with the provisions of this section, fails to collect the whole or any part of the tax on the amount received from a buyer or licensee or lessee or on the amount debited to the account of the buyer or licensee or lessee but is not deemed to be an assessee in default under the first proviso of sub-section (6A), the interest shall be payable from the date on which such tax was collectible to the date of furnishing of return of income by such buyer or licensee or lessee.

It is also proposed to amend the *Explanation* to the aforesaid section so as to provide the meaning of “buyer” with respect to sub-section (1) and sub-section (1D) of the said section and meaning of jewellery.

It is also proposed to insert a new clause in the aforesaid *Explanation* so as to define the expression “accountant”.

It is also proposed to insert sub-section (1D) in clause (c) of the aforesaid *Explanation*.

These amendments will take effect from 1st July, 2012.

*Clause 80* of the Bill seeks to amend section 207 of the Income-tax Act relating to liability for payment of advance tax.

The existing provisions contained in the aforesaid section 207 provide that the tax shall be payable in advance during any financial year, in accordance with the provisions of sections 208 to 219 (both inclusive), in respect of the total income of the assessee which would be chargeable to tax for the assessment year immediately following that financial year.

It is proposed to amend the aforesaid section so as to insert a new sub-section (2) to provide that the provisions of the aforesaid section shall not apply to an individual resident in India who does not have any income chargeable under the head "Profits and gains of business or profession" and is of the age of sixty years or more at any time during the previous year.

This amendment will take effect retrospectively from 1st April, 2012.

*Clause 81* of the Bill seeks to amend section 209 of the Income-tax Act relating to computation of advance tax.

The existing provisions contained in the aforesaid section 209, *inter alia*, provides that where advance tax is payable, the assessee shall himself compute the advance tax payable on his current income at the rates in force in the financial year and deposit the same whether or not he has been earlier assessed to tax or not. It further provides that in all the cases the tax calculated at the rates in force in the financial year shall be reduced by the amount deductible at source or collectible at source from any income which has been taken into account in the computation of current income.

It is proposed to amend clause (d) of sub-section (1) of the aforesaid section 209 so as to insert a proviso to provide that for computing liability for advance tax, income-tax calculated under clause (a) or clause (b) or clause (c) shall not, in each case, be reduced by the aforesaid amount of income-tax which would be deductible or collectible at source during the said financial year under any provision of this Act from any income, if the person responsible for deducting tax has paid or credited such income without deduction of tax or it has been received or debited by person responsible for collecting tax without collection of such tax.

This amendment will take effect retrospectively from 1st April, 2012.

*Clause 82* of the Bill seeks to amend section 234A of the Income-tax Act relating to interest for defaults in furnishing return of income.

The existing provisions of sub-section (1) of the aforesaid section 234A provides that the assessee is liable to pay simple interest at the rate of one per cent. for every month or part of a month on the amount of the tax on the total income as reduced by the advance tax, if any, paid; any tax deducted or collected at source; any relief of tax allowed under section 90 on account of tax paid in a country outside India; any relief of tax allowed under section 90A on account of tax paid in a specified territory outside India referred to in that section; any deduction, from the Indian

income-tax payable, allowed under section 91; and any credit allowed to be set off in accordance with the provisions of section 115JAA.

It is proposed to insert "or section 115JD", after "section 115JAA" in clause (vi) of sub-section (1) of the aforesaid section so as to provide for reduction of tax credit allowed to be set off under section 115JD from the tax on total income.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 83* of the Bill seeks to amend section 234B of the Income-tax Act relating to interest for defaults in payment of advance tax.

The existing provisions of sub-section (1) of the aforesaid section 234B provides that the assessee is liable to pay simple interest at the rate of one per cent. for every month or part of the month on the amount of advance tax which falls short of assessed tax. *Explanation 1* to the said sub-section defines the "assessed tax" which means the tax on the total income determined under sub-section (1) of section 143 and where a regular assessment is made, the tax on the total income determined under such regular assessment as reduced by the amount of any tax deducted or collected at source; any relief of tax allowed under section 90; any relief of tax allowed under section 90A; any deduction from the Indian income-tax payable, allowed under section 91; and any tax credit allowed to be set off in accordance with the provisions of section 115JAA.

It is proposed to insert "or section 115JD", after "section 115JAA" in clause (v) of *Explanation 1* to sub-section (1) of the aforesaid section so as to provide for reduction of tax credit allowed to be set off under section 115JD from the assessed tax.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 84* of the Bill seeks to amend section 234C of the Income-tax Act relating to interest for deferment of advance tax.

The existing provisions of sub-section (1) of the aforesaid section 234C provides that the assessee is liable to pay simple interest at the rate of one per cent. per month on the amount of shortfall from the specified percentages of the tax due on the returned income. The *Explanation* to the said section defines the "tax due on the returned income" to mean the tax chargeable on the total income declared in the return of income furnished by the assessee for the assessment year commencing on 1st April immediately following the financial year in which the advance tax is paid or payable, as reduced by the amount of any tax deductible or collectible at source; any relief of tax allowed under section 90; any relief of tax allowed under section 90A; any deduction from the Indian income-tax payable, allowed under section 91; and any tax credit allowed to be set off in accordance with the provisions of section 115JAA.

It is proposed to insert "or section 115JD", after "section 115JAA" in clause (v) of the *Explanation* to sub-section (1) of the aforesaid section so as to provide for reduction of tax credit allowed to be set off under section 115JD from the tax due on the returned income.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to assessment year 2013-2014 and subsequent assessment years.

*Clause 85* of the Bill seeks to insert a new *Explanation* to section 234D of the Income-tax Act relating to interest on excess refund.

The existing provisions of sub-section (1) of the aforesaid section 234D provides that where any refund is granted to the assessee under sub-section (1) of section 143 and no refund is due on regular assessment, or the amount refunded under sub-section (1) of section 143 exceeds the amount refundable on regular assessment, then, the assessee shall be liable to pay simple interest at the rate of one-half per cent. on the whole or the excess amount so refunded for every month or part of a month comprised in the period from the date of grant of refund to the date of such regular assessment.

The *Explanation* to the aforesaid section provides that where, in relation to an assessment year, an assessment is made for the first time under section 147 or section 153A, the assessment so made shall be regarded as a regular assessment for the purposes of the said section.

It is proposed to insert a new *Explanation* so as to clarify that the provisions of this section shall also apply to an assessment year commencing before the 1st day of June, 2003 if the proceedings in respect of such assessment year is completed after the said date.

This amendment will take effect retrospectively from 1st June, 2003.

*Clause 86* of the Bill seeks to insert a new sub-heading “G—Levy of fee in certain cases” and a new section 234E in the Income-tax Act relating to fee for defaults in furnishing statements.

It is proposed to insert a new section 243E so as to provide that—

(1) Without prejudice to the provisions of the Act, where a person fails to deliver or cause to be delivered a statement within the time prescribed in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C, he shall be liable to pay, by way of fee, a sum of two hundred rupees for every day during which the failure continues.

(2) The amount of fee referred to in sub-section (1) shall not exceed the amount of tax deductible or collectible, as the case may be.

(3) The amount of fee referred to in sub-section (1) shall be paid before delivering or causing to be delivered a statement in accordance with sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C.

(4) The provisions of this section shall apply to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.

This amendment will take effect from 1st July, 2012.

*Clause 87* of the Bill seeks to amend section 245C of the Income-tax Act relating to application for settlement of cases.

The existing provisions of clause (ia) of the proviso to sub-section (1) of the aforesaid section 245C provide that no application shall be made unless, in a case where the applicant is related to the person referred to in clause (i) who has filed an application; and the proceedings for assessment or reassessment for any of the assessment years referred to in clause (b) of

sub-section (1) of section 153A or clause (b) of sub-section (1) of section 153B in case of the applicant, being a person referred to in section 153A or section 153C, have been initiated, the additional amount of income-tax payable on the income disclosed in the application exceeds ten lakh rupees.

The *Explanation* to the aforesaid clause defines the expressions “applicant in relation to the specified person” and “substantial interest” for the purposes of the said clause.

Clause (b) of the said *Explanation* provides that a person shall be deemed to have a substantial interest in a business or profession, if—

(A) in a case where the business or profession is carried on by a company, such person is at any time during the previous year, the beneficial owner of shares (not being share entitled to a fixed rate of dividend, whether with or without a right to participate in profits) carrying not less than twenty per cent. of the voting power; and

(B) in any other case, such person is, at any time during the previous year beneficially entitled to not less than twenty per cent. of the profits of such business or profession.

It is proposed to amend the aforesaid clause (b) so as to provide that the person shall be deemed to have substantial interest, if such person is beneficial owner on the date of search.

This amendment will take effect from 1st July, 2012.

*Clause 88* of the Bill seeks to amend section 245Q of the Income-tax Act relating to application for advance ruling.

The provisions contained in sub-section (2) of the aforesaid section 245Q provide that the application for an advance ruling shall be made in quadruplicate and be accompanied by a fee of two thousand five hundred rupees.

It is proposed to amend the aforesaid sub-section so as to enhance the fee from two thousand five hundred rupees to ten thousand rupees or such fee as may be prescribed in this behalf, whichever is higher.

This amendment will take effect from 1st July, 2012.

*Clause 89* of the Bill seeks to amend section 246A of the Income-tax Act relating to appealable orders before Commissioner (Appeals).

The existing provisions of the aforesaid section 246A provide for appeal by an assessee to the Commissioner (Appeals) against an order under sections 143(3), 147, 150, etc.

It is proposed to include the reference of “deductor” after the word “assessee” in sub-section (1) and in clause (a) of the said sub-section so as to enable him to file an appeal under the aforesaid section.

It is further proposed to amend clause (a) of sub-section (1) so as to provide that the deductor may appeal to the Commissioner (Appeals) against an intimation issued under sub-section (1) of section 200A.

These amendments will take effect from 1st July, 2012.

It is proposed to amend clauses (a), (b), (ba) and (c) of sub-section (1) of the aforesaid section 246A to provide that an order of assessment or reassessment passed with approval of

Commissioner under sub-section (12) of newly inserted section 144BA or any order under section 154 or section 155 passed in relation to such an order shall not be appealable before Commissioner (Appeals).

These amendments will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

The existing provisions contained in clause (ba) of sub-section (1) of the aforesaid section 246A provide that any assessee aggrieved by an order of the assessment or reassessment under section 153A may appeal to the Commissioner.

It is proposed to amend the aforesaid clause (ba) so as to provide that any assessee aggrieved by an order of the assessment or reassessment under section 153A [except an order passed in pursuance of the directions of the Dispute Resolution Panel] may appeal to the Commissioner.

This amendment will take effect retrospectively from 1st October, 2009.

It is also proposed to insert a new clause (bb) in sub-section (1) of the aforesaid section 246A to provide that any assessee aggrieved by an order of assessment under sub-section (3) of section 92CD may appeal to the Commissioner (Appeals). The proposed amendment is of consequential nature.

The existing provisions contained in sub-section (1) of the aforesaid section 246A provide that an appeal shall lie to the Commissioner (Appeals) against the orders specified in said sub-section (1).

It is proposed to amend sub-clause (B) of clause (j) of aforesaid sub-section (1) so as to provide that an appeal against the order of penalty passed under section 271AAB shall also lie before the Commissioner (Appeals).

This amendment will take effect from 1st July, 2012.

*Clause 90* of the Bill seeks to amend section 253 of the Income-tax Act relating to appeals to the Appellate Tribunal.

The existing provisions contained in clause (ba) of sub-section (1) of the aforesaid section 253 provide that any assessee aggrieved by an order passed by an Assessing Officer under sub-section (3) of section 143 or section 147 in pursuance of the directions of the Dispute Resolution Panel or an order passed under section 154 in respect of such order may appeal to the Appellate Tribunal.

It is proposed to amend clause (d) of the aforesaid sub-section (1) so as to provide that any assessee aggrieved by an order passed by an Assessing Officer under section 153A or section 153C in pursuance of the directions of the Dispute Resolution Panel or an order passed under section 154 in respect of such order may also appeal to the Appellate Tribunal.

This amendment will take effect retrospectively from 1st October, 2009.

It is further proposed to amend the aforesaid sub-section (1) to insert clause (e) in the said sub-section to provide that an order of assessment or reassessment passed with approval of the Commissioner under sub-section (12) of newly inserted section 144BA or an order under section 154 or section 155 passed in

respect of such an order against which appeal lies before the Appellate Tribunal.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

It is also proposed to insert a new sub-section (2A) in the aforesaid section so as to provide that the Commissioner may, if he objects to any direction issued by the Dispute Resolution Panel under sub-section (5) of section 144C in respect of any objection filed on or after the 1st day of July, 2012, by the assessee under sub-section (2) of section 144C in pursuance of which the Assessing Officer has passed an order completing the assessment or reassessment, direct the Assessing Officer to appeal to the Appellate Tribunal against the order.

It is also proposed to insert a new sub-section (3A) in the aforesaid section so as to provide that every appeal under sub-section (2A) shall be filed within sixty days of the date on which the order sought to be appealed against is passed by the Assessing Officer in pursuance of the directions of the Dispute Resolution Panel under sub-section (5) of section 144C.

It is also proposed to amend sub-section (4) so as to provide that an appeal can also be filed by the Assessing Officer against the order passed by him in pursuance of the directions of the Dispute Resolution Panel.

These amendments will take effect from 1st July, 2012.

*Clause 91* of the Bill seeks to amend section 254 of the Income-tax Act relating to Orders of Appellate Tribunal.

It is proposed to amend sub-section (2A) of the aforesaid section 254, so as to insert therein a reference of sub-section (2A) of section 253. The proposed amendment is consequential in nature in view of the amendment to section 253.

This amendment will take effect from 1st July, 2012.

*Clause 92* of the Bill seeks to amend section 271 of the Income-tax Act relating to failure to furnish return, comply with notice, concealment of income, etc.

The existing provision of *Explanation 7* of the aforesaid section 271 provides that where in the case of an assessee who has entered into an international transaction, any amount is added or disallowed in computing the total income under sub-section (4) of section 92C, the amount so added or disallowed shall be deemed to represent the income in respect of which particulars have been concealed or inaccurate particulars have been furnished unless the assessee proves to the satisfaction of the Assessing Officer or the Commissioner (Appeals) or the Commissioner that the price charged or paid in such transaction was computed in good faith and with due diligence in accordance with the provisions contained in section 92C and the manner prescribed thereunder.

It is proposed to amend the aforesaid *Explanation* so as to include therein the reference of a specified domestic transaction for the purposes of said *Explanation*.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 93* of the Bill seeks to substitute section 271AA of the Income-tax Act relating to penalty for failure to keep and maintain information and document, etc., in respect of certain transactions.

The existing provisions of the aforesaid section 271AA provide that if a person, who has entered into international transaction as defined in section 92B, fails to keep and maintain any such information and document as required by sub-section (1) or sub-section (2) of section 92D, the Assessing Officer or the Commissioner (Appeals) may direct such person shall pay, by way of penalty, a sum equal to two per cent. of the value of each international transaction entered into by such person.

It is proposed to substitute the aforesaid section so as to provide the levy of penalty under the said section also in case where such person fails to report such transaction which he is required to do so; or maintains or furnishes an incorrect information or document.

This amendment will take effect from 1st July, 2012.

*Clause 94* of the Bill seeks to amend section 271AA of the Income-tax Act (as substituted by clause 93 of this Bill) relating to penalty for failure to keep and maintain information and document in respect of international transaction.

The existing provision of the aforesaid section 271AA provides that if any person fails to keep and maintain any such information and document as required by sub-section (1) or sub-section (2) of section 92D, the Assessing Officer or the Commissioner (Appeals) may direct that such person shall pay, by way of penalty, a sum equal to two per cent. of the value of each international transaction entered into by such person.

It is proposed to amend the aforesaid section so as to include therein the reference of "specified domestic transaction" to provide that in the cases where information and document in respect of specified domestic transaction has not been maintained, or such specified domestic transaction has not been reported, or the assessee maintains or furnishes incorrect information or documents, a penalty of two per cent. of the value of the specified domestic transaction shall be levied.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 95* of the Bill seeks to amend section 271AAA of the Income-tax Act relating to penalty where search has been initiated.

The existing provision contained in sub-section (1) of the aforesaid section 271AAA provides that in a case where the search has been initiated under section 132 on or after the 1st day of June, 2007, the assessee shall be liable to pay by way of penalty, in addition to tax, if any, payable by him, a sum computed at the rate of ten per cent. of the undisclosed income of the specified previous year.

It is proposed to amend sub-section (1) of the aforesaid section so as to provide that the provisions of the said section shall be applicable in respect of cases where a search has been initiated under section 132 on or after the 1st day of June, 2007 but before 1st day of July, 2012.

This amendment will take effect retrospectively from 1st April, 2012.

*Clause 96* of the Bill seeks to insert a new section 271AAB in the Income-tax Act relating to penalty where search has been initiated.

It is proposed to provide in the aforesaid new section 271AAB that in a case where search has been initiated under section 132 on or after the 1st day of July, 2012, the assessee shall pay by way of penalty, in addition to tax, if any, payable by him, a sum computed at the rate of ten per cent. of the undisclosed income of the specified previous year, if such assessee — (i) in the course of the search, in a statement under sub-section (4) of section 132 admits the undisclosed income and specifies the manner in which such income has been derived; (ii) substantiates the manner in which the undisclosed income was derived; and (iii) on or before the specified date,—(A) pays the tax, together with interest, if any, in respect of the undisclosed income; and (B) furnishes the return of income for the specified previous year declaring such undisclosed income therein.

It is further proposed to provide that the assessee shall pay by way of penalty, in addition to tax, if any payable by him, a sum computed at the rate of twenty per cent. of the undisclosed income of the specified previous year, if such assessee — (i) in the course of the search, in a statement under sub-section (4) of section 132, does not admit the undisclosed income; (ii) on or before the specified date,—(A) declares such income in the return of income furnished for the specified previous year; and (B) pays the tax, together with interest, if any, in respect of the undisclosed income.

It is also proposed to provide that the assessee shall pay by way of penalty, in addition to tax, if any payable by him, a sum which shall not be less than thirty per cent. but which shall not exceed ninety per cent. of the undisclosed income of the specified previous year, if it is not covered by clauses (a) and (b).

It is also proposed to provide that no penalty under the provisions of clause (c) of sub-section (1) of section 271 shall be imposed upon the assessee in respect of the undisclosed income referred to in sub-section (1).

It is also proposed to provide that the provisions of section 274 and section 275 shall, as far as may be, apply in relation to the penalty leviable under the proposed new section.

It is also proposed to define the expressions "undisclosed income", "specified previous year" and "specified date" for the purposes of the said section.

These amendments will take effect from 1st July, 2012.

*Clause 97* of the Bill seeks to amend section 271G of the Income-tax Act relating to penalty for failure to furnish information or document under section 92D.

The existing provision of the aforesaid section 271G provides that if any person who has entered into an international transaction fails to furnish any such information or document as required by sub-section (3) of section 92D, the Assessing Officer or the Commissioner (Appeals) may direct that such person shall pay, by way of penalty, a sum equal to two per cent. of the value of the international transaction for each such failure.

It is proposed to amend the aforesaid section to include therein the reference of "specified domestic transaction" so as to provide in the cases where the assessee fails to furnish any document or information as required by section 92D, a penalty of two per cent. of the value of the specified domestic transaction shall be levied in such cases.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 98* of the Bill seeks to insert a new section 271H in the Income-tax Act relating to penalty for failure to furnish statements, etc.

It is proposed to insert a new section 271H so as to provide that without prejudice to the provisions of the Act, a person shall be liable to pay penalty if he fails to deliver or cause to be delivered a statement within the time prescribed in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C; or furnishes incorrect information in the statement which is required to be delivered or cause to be delivered under sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C.

It is further proposed to provide that the penalty referred to in sub-section (1) shall be a sum which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

It is also proposed to provide that notwithstanding anything contained in the foregoing provisions of this section, no penalty shall be levied for the failure referred to in clause (a) of sub-section (1), if the person proves that after paying tax deducted or collected along with the fee and interest, if any, to the credit of the Central Government, he had delivered or cause to be delivered the statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C before the expiry of one year from the time prescribed for delivering or causing to be delivered such statement.

It is also proposed to provide that the provisions of this section shall apply to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.

This amendment will take effect from 1st July, 2012.

*Clause 99* of the Bill seeks to amend section 272A of the Income-tax Act relating to penalty for failure to answer questions, sign statements, furnish information, return or statement, allow inspections, etc.

The existing provisions of sub-section (2) of the aforesaid section provide for levy of penalty if any person fails to comply with the requirements referred to in clauses (a) to (l) of the said sub-section.

It is proposed to insert a new proviso to sub-section (2) of the aforesaid sub-section so as to provide that no penalty shall be levied under this section for the failure referred to in clause (k) if such failure relates to a statement referred to in sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C which is to be delivered or caused to be delivered for tax deducted at source or tax collected at source, as the case may be, on or after the 1st day of July, 2012.

This amendment will take effect from 1st July, 2012.

*Clause 100* of the Bill seeks to amend section 273B of the Income-tax Act relating to penalty not to be imposed in certain cases.

The existing provisions of the aforesaid section provide that no penalty shall be imposable on the person or the assessee, for failure referred to in sections mentioned therein if he proves that there was reasonable cause for the said failure.

It is proposed to amend the aforesaid section so as to insert there the reference of newly inserted section 271H. The proposed amendment is consequential in nature.

This amendment will take effect from 1st July, 2012.

*Clause 101* of the Bill seeks to amend section 276C of the Income-tax Act relating to wilful attempt to evade tax, etc.

The existing provisions of sub-section (1) of the aforesaid section 276C provide that if a person wilfully attempts in any manner whatsoever to evade any tax, penalty or interest chargeable or imposable under the Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of the Act, be punishable in case where the amount sought to be evaded exceeds one hundred thousand rupees with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine; and in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

It is proposed to amend the aforesaid sub-section so as to increase the limit of amount sought to be evaded from one hundred thousand rupees to twenty-five hundred thousand rupees and to reduce the maximum imprisonment from three years to two years.

The existing provisions of sub-section (2) of the aforesaid section provides that if a person wilfully attempts in any manner whatsoever to evade the payment of any tax, penalty or interest under the Act, he shall, without prejudice to any penalty that may be imposable on him under any other provision of the Act, be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and shall, in discretion of the court, also with fine.

It is proposed to amend the aforesaid sub-section so as to reduce the maximum imprisonment from three years to two years.

These amendments will take effect from 1st July, 2012.

*Clause 102* of the Bill seeks to amend section 276CC of the Income-tax Act relating to failure to furnish return of income.

The existing provisions of the aforesaid section 276CC provide that if a person wilfully fails to furnish in due time the return of fringe benefits which he is required to furnish under sub-section (1) of section 115WD or by notice given under sub-section (2) of the said section or section 115WH or the return of income which he is required to furnish under sub-section (1) of section 139 or by notice given under clause (i) of sub-section (1) of section 142 or section 148 or section 153A, he shall be punishable in case where the amount of tax which would have been evaded if the failure had not been discovered exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six

months but which may extend to seven years and with fine; and in any other case, with imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

It is proposed to amend the aforesaid section so as to increase the limit of amount of tax which would have been evaded if the failure had not been discovered, from one hundred thousand rupees to twenty-five hundred thousand rupees and to reduce the maximum imprisonment from three years to two years.

These amendments will take effect from 1st July, 2012.

*Clause 103* of the Bill seeks to amend section 277 of the Income-tax Act relating to false statement in verification, etc.

The existing provisions of the aforesaid section 277 provide that if a person makes a statement in any verification under the Act or under any rule made thereunder, or delivers an account or statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable in a case where the amount of tax which would have been evaded if the statement or account had been accepted as true, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine; and in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

It is proposed to amend the aforesaid section so as to increase the limit of amount of tax which would have been evaded from one hundred thousand rupees to twenty-five hundred thousand rupees and to reduce the maximum imprisonment from three years to two years.

These amendments will take effect from 1st July, 2012.

*Clause 104* of the Bill seeks to amend section 277A of the Income-tax Act relating to falsification of books of account or document, etc.

The existing provisions of the aforesaid section 277A provide that if any person (the first person) wilfully and with intent to enable any other person (the second person) to evade any tax or interest or penalty chargeable and imposable under this Act, makes or causes to be made any entry or statement which is false, and which the first person either knows to be false or does not believe to be true, in any books of account or other document relevant to or useful in any proceeding against the first person or the second person, under the Act, the first person shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

It is proposed to amend the aforesaid section so as to reduce the maximum imprisonment from three years to two years.

This amendment will take effect from 1st July, 2012.

*Clause 105* of the Bill seeks to amend section 278 of the Income-tax Act relating to abetment of false return, etc.

The existing provisions of the aforesaid section 278 provide that if any person abets or induces in any manner another person to make and deliver an account or make a statement or declaration relating to any income or any fringe benefit chargeable to tax which is false and which he either knows to be false or does not

believe to be true or to commit an offence under sub-section (1) of section 276C, he shall be punishable in a case where the amount of tax, penalty or interest which would have been evaded if the declaration, account or statement had been accepted as true, or which is wilfully attempted to be evaded, exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine; and in any other case, with rigorous imprisonment for a term which shall not be less than three months but which may extend to three years and with fine.

It is proposed to amend the aforesaid section so as to increase the limit of amount of tax, penalty or interest which would have been evaded from one hundred thousand rupees to twenty-five hundred thousand rupees and to reduce the maximum imprisonment from three years to two years.

These amendments will take effect from 1st July, 2012.

*Clause 106* of the Bill seeks to insert new sections 280A, 280B, 280C and section 280D in the Income-tax Act relating to Special Courts, offences triable by Special Court, trial of offences as summons case and application of the Code of Criminal Procedure, 1973 to proceedings before Special Court.

The proposed new section 280A provides that the Central Government, in consultation with the Chief Justice of the High Court, may, for trial of offences punishable under Chapter-XXII, by notification, designate one or more courts of Magistrates of the first class as Special Court for such area or areas or for such cases or class or group of cases as may be specified in the notification.

It further explains that "High Court" means the High Court of the State in which a Magistrate of first class designated as Special Court was functioning immediately before such designation.

It also provides that while trying an offence under the Income-tax Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

The proposed new section 280B provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, (a) the offences punishable under Chapter-XXII shall be triable only by the Special Court if so designated for the area or areas or for cases or class or group of cases, as the case may be, in which the offence has been committed. However, a court competent to try offences under section 292, (i) which has been designated as a Special Court under this section, shall continue to try the offences before it or offences arising under this Act after such designation; (ii) which has not been designated as a Special Court may continue to try such offence pending before it till its disposal; or (b) a Special Court may, upon a complaint made by an authority authorised in this behalf under the Income-tax Act take cognizance of the offence for which the accused is committed for trial.

The proposed new section 280C provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court, shall try, an offence under Chapter-XXII punishable with imprisonment not exceeding two years or with fine or with both, as a summons case, and the provisions of the Code of Criminal Procedure, 1973 as applicable in the case of trial of summons case, shall apply accordingly.

The proposed new section 280D provides that the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bails or bonds), shall apply to the proceedings before a Special Court and the person conducting the prosecution before the Special Court, shall be deemed to be a Public Prosecutor.

It further provides that a person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor unless he has been in practice as an advocate for not less than seven years requiring special knowledge of law.

It also provides that every person appointed as a Public Prosecutor or a Special Public Prosecutor shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and the provisions of that Code shall have effect accordingly.

These amendments will take effect from 1st July, 2012.

*Clause 107* of the Bill seeks to insert section 292CC in the Income-tax Act relating to authorisation and assessment in case of search or requisition.

It is proposed to insert aforesaid new section 292CC so as to provide that notwithstanding anything contained in this Act, it shall not be necessary to issue an authorisation under section 132 or make a requisition under section 132A separately in the name of each person.

It is further proposed that where an authorisation under section 132 has been issued or requisition under section 132A has been made mentioning therein the name of more than one person, the mention of such names of more than one person on such authorisation or requisition shall not be deemed to construe that it was issued in the name of an association of persons or body of individuals consisting of such persons.

It is also proposed to provide that notwithstanding that an authorisation under section 132 has been issued or requisition under section 132A has been made mentioning therein the name of more than one person, the assessment or reassessment shall be made separately in the name of each of the persons mentioned in such authorisation or requisition.

These amendments will take effect retrospectively from 1st April, 1976 and will, accordingly, apply to the assessment year 1976-1977 and subsequent assessment years.

*Clause 108* of the Bill seeks to amend section 296 of the Income-tax Act relating to rules and certain notifications to be placed before Parliament.

The existing provisions of the aforesaid section 296 provide for laying of rules and certain notifications before Parliament.

It is proposed to amend the aforesaid section so as to provide that the rules made by the Central Government under the third proviso to sub-section (1) of section 153A or under the second proviso to sub-section (1) of section 153C are laid before Parliament.

This amendment will take effect from 1st July, 2012.

#### *Wealth-tax*

*Clause 109* of the Bill seeks to amend section 2 of the Wealth-tax Act relating to definitions.

The existing provisions of clause (ea) of the aforesaid section 2 provide that in the case where a house is allotted for residential purposes by a company to an employee or an officer or director

who is in the whole time employment having a gross annual salary of less than five lakh rupees, such house shall not be included in the definition of assets on which wealth-tax is charged.

It is proposed to amend item (1) of sub-clause (i) of the aforesaid clause so as to raise the aforesaid gross annual salary limit of employee or an officer or director who is in the whole time employment from five lakh rupees to ten lakh rupees.

This amendment will take effect from 1st April, 2013 and will, accordingly, apply in relation to the assessment year 2013-2014 and subsequent assessment years.

*Clause 110* of the Bill seeks to amend section 17 of the Wealth-tax Act relating to wealth escaping assessment.

The existing provisions of sub-section (1) of the aforesaid section 17 enable the Assessing Officer to assess or re-assess wealth which has escaped assessment for any assessment year, after recording reasons for doing so. It is further provided that once an assessment is reopened, any other wealth which has escaped assessment and which comes to the notice of the Assessing Officer subsequently in the course of the proceedings under this section, can also be included in the assessment.

The first proviso to the aforesaid sub-section provide that if an assessment has been made for the relevant assessment year under sub-section (3) of section 16 or this section, no action shall be taken under this section after the expiry of four years from the end of the relevant assessment year, unless the wealth has escaped assessment due to the failure on the part of the assessee to file a return under section 14 or section 15 or in response to a notice issued under sub-section (4) of section 16 or this section or to disclose fully and truly all material facts necessary for his assessment.

It is proposed to insert a proviso to the aforesaid sub-section so as to provide that nothing contained in the first proviso shall apply in a case where any net wealth in relation to any asset (including financial interest in any entity) located outside India chargeable to tax, has escaped assessment for any assessment year.

These amendments will take effect from 1st July, 2012.

It is further proposed to amend sub-section (1A) of the aforesaid section so as to insert a new clause (c) to the aforesaid sub-section so as to provide that if four years, but not more than sixteen years, have elapsed from the end of the relevant assessment year unless the net wealth in relation to any asset (including financial interest in any entity) located outside India, chargeable to tax, has escaped assessment for any assessment year.

It is also proposed to amend the *Explanation* to the aforesaid sub-section so as to insert a clause which provides that where a person is found to have any asset (including financial interest in any entity) located outside India, it shall also be deemed to be a case where net wealth chargeable to tax has escaped assessment.

It is also proposed to insert a new *Explanation* 2 so as to provide that the provisions of the aforesaid section (as amended by the Finance Act, 2012) shall also be applicable for the assessment years beginning on or before the 1st day of April, 2012.

These amendments will take effect from 1st day of July, 2012.

*Clause 111* of the Bill seeks to amend section 17A of the Wealth-tax Act relating to time limit for completion of assessment and reassessment.

The existing provisions of the aforesaid section 17A, *inter alia*, provide for time limit for completion of assessments and reassessments of net wealth by the Assessing Officer.

It is proposed to amend the aforesaid section so as to revise the time limits for completion of assessment and reassessment. The revised time limits shall be the time limits specified under the aforesaid section, as respectively increased by three months.

These amendments will take effect from 1st July, 2012.

*Clause 112* of the Bill seeks to amend section 45 of the Wealth-tax Act relating to Act not to apply in certain cases.

The existing provisions of the aforesaid section 45 provide that Wealth-tax shall not be levied in respect of the net wealth of entities enumerated in that section.

It is proposed to insert a new clause (k) in the aforesaid section so as to provide that tax shall not be levied in respect of net wealth of the Reserve Bank of India.

This amendment will take effect retrospectively from 1st April, 1957, and will, accordingly, apply in relation to the assessment year 1957-1958 and subsequent assessment years.

*Clause 113* of the Bill seeks to provide for validation of demand, etc., under Income-tax Act, 1961 in certain cases in respect of income accruing or arising through or from the transfer of a capital asset situate in India in consequence of transfer of a share or shares of a company registered or incorporated outside India or in consequence of any agreement or otherwise outside India.

This clause will take effect from the date on which this Bill receives the assent of the President.

#### *Customs*

*Clause 114* of the Bill seeks to amend clause (10) of section 2 of the Customs Act so as to modify the definition of "customs airport".

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 115* of the Bill seeks to amend clause (aa) of sub-section (1) of section 7 of the Customs Act so as to substitute the words "container depots" with the words "container depots or air freight stations".

This amendment will take effect from the date of which this Bill receives the assent of the President.

*Clause 116* of the Bill seeks to insert a new section 28AAA in the Customs Act to provide for recovery of duties in certain cases relatable to utilisation of instruments, such as duty credit scripts issued under the Foreign Trade (Development and Regulation) Act, 1992 where the instrument was obtained by means of collusion or wilful misstatement or suppression of facts made by the person to whom it was issued or his agent or employee, and was utilised by another person who acquired it from the original holder, then the duties, relatable to the utilisation, shall be recovered from the person to whom the instrument had been issued.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Clause 117 of the Bill seeks to amend section 28BA of the Customs Act relating to provisional attachment of property to protect revenue in certain cases so as to make it applicable also to the proposed clause 28AAA.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Clause 118 of the Bill seeks to amend sub-section (2) of section 47 of the Customs Act so as to insert a new proviso therein to provide that the Central Government may, by notification in the Official Gazette, specify the class or classes of importers who shall pay the duty electronically.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 119* of the Bill seeks to amend sub-section (2) of section 75A of the Customs Act so as to substitute the reference to "section 28AB" with "section 28AA", with retrospective effect from the 8th day of April, 2011.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 120* of the Bill seeks to substitute sub-sections (3) and (4) of section 104 of the Customs Act with new sub-sections (3) to (6).

Sub-section (3) of the aforesaid section provides that where an officer of customs has arrested any person under sub-section (1), for any offence (other than an offence punishable for a term of imprisonment of three years or more under section 135), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police station has, and is subject to, under the Code of Criminal Procedure, 1973.

Sub-section (4) thereof seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act (except an offence punishable for a term of imprisonment of three years or more under section 135) shall be bailable.

Sub-section (5) thereof seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act except an offence punishable for a term of imprisonment of three years or more under section 135 shall be non-cognizable.

Sub-section (6) thereof seeks to provide that offence punishable for a term of imprisonment of three years or more under section 135 shall be cognizable.

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 121* of the Bill seeks to insert a new section 104A in the Customs Act relating to bail for offence punishable for a term of imprisonment of three years or more under section 135 not to be granted without hearing Public Prosecutor.

Sub-section (1) of aforesaid section seeks to provide that notwithstanding anything contained in the Code of Criminal

Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of three years or more under section 135 shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor opposes the application, the Magistrate is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

It further seeks to insert a proviso so as to provide that a person who is under the age of eighteen years or is a woman or is sick or infirm may be released on bail if the Magistrate so directs.

Sub-section (2) thereof seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer shall, save as otherwise provided under this Act, investigate into an offence under this Act unless specifically authorised by the Central Government by a general or special order, and subject to such conditions as may be specified in the order.

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 122* of the Bill seeks to amend clause (b) of section 122 of the Customs Act so as to substitute the words “two lakh” with the words “five lakh” and to amend clause (c) thereof to substitute the words “ten thousand” with the words “fifty thousand”.

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 123* of the Bill seeks to substitute a new section for section 138 of the Customs Act to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Chapter (other than the offence punishable for a term of imprisonment of three years or more under section 135) may be tried summarily by a Magistrate.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 124* of the Bill seeks to amend clause (a) of section 153 of the Customs Act so as to substitute the words “to the person for whom it is intended or to his agent” with the words “or by such courier services as may be approved by the Commissioner of Customs”.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 125* of the Bill seeks to exempt the item specified in column (1) of the Second Schedule from the whole of additional duty of customs with retrospective effect from the 1st day of March, 2011 up to the 16th day of March, 2012.

This amendment will take effect from the date on which this Bill receives the assent of the President.

#### *Customs Tariff*

*Clause 126* of the Bill seeks to amend section 8C of the Customs Tariff Act, so as to align the provisions of the section with the

Transitional Product Specific Safeguard Mechanism under Chinese Accession Protocol.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 127* of the Bill seeks to amend the First Schedule to the Customs Tariff Act in the manner specified in the Third Schedule so as to,—

(a) align the classification of certain entries with that of revised ISRI code of classification;

(b) incorporate changes in description of certain tariff items;

(c) revise the rate of customs duty on certain tariff items; and

(d) insert a Chapter Note relating to classification of certain tariff items.

*Clause 128* of the Bill seeks to amend the Second Schedule to the Customs Tariff Act so as to increase the rate of export duty on chromium ore and concentrates of all sorts from the existing Rs.3000 per tonne to 30% *ad valorem* as specified in the Fourth Schedule.

#### *Excise*

*Clause 129* of the Bill seeks to amend clause (i) of the *Explanation* to clause (b) of sub-section (3) of section 4 of the Central Excise Act, so as to incorporate the definition of the expression “inter-connected undertakings” on the lines of the Monopolies and Restrictive Trade Practices Act, 1969, in view of its repeal by section 66 of Act 12 of 2003.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 130* of the Bill seeks to amend section 9 of the Central Excise Act so as to substitute the words “one lakh” with the words “thirty lakh”.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 131* of the Bill seeks to amend section 9A of the Central Excise Act so as to substitute sub-section (1) thereof to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under that Act except an offence punishable for a term of imprisonment of three years or more under section 9 shall be non-cognizable.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 132* of the Bill seeks to amend sub-section (5) of section 11A of the Central Excise Act, so as to substitute certain words therein. It further seeks to substitute sub-section (8) of said section 11A so as to provide for exclusion of the period of stay granted by court or tribunal in respect of service of notice in computing the period referred to in clause (a) of sub-section (1) or sub-section (4) or sub-section (5).

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 133* of the Bill seeks to amend clauses (a) and (b) of sub-section (1) of section 11AC of the Central Excise Act so as to insert certain words therein. It further seeks to amend clause (c) of said sub-section (1) so as to provide that the benefit of reduced

penalty shall be available only if such amount of penalty is paid within the said period of thirty days.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 134* of the Bill seeks to amend section 12F of the Central Excise Act so as to substitute sub-section (2) thereof to provide that the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall, so far as may be, apply to search and seizure under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if for the word "Magistrate", wherever it occurs, the words "Commissioner of Central Excise" were substituted.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 135* of the Bill seeks to substitute new sections 13 and 13A for section 13 of the Central Excise Act.

The proposed section 13 seeks to provide for power to arrest.

Sub-section (1) of aforesaid section seeks to provide that if an officer of Central Excise empowered in this behalf by general or special order of the Commissioner of Central Excise has reason to believe that any person has committed an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.

Sub-section (2) of aforesaid section seeks to provide that every person arrested under sub-section (1) for an offence shall, without unnecessary delay, be taken to a Magistrate.

Sub-section (3) of aforesaid section seeks to provide that where an officer of Central Excise has arrested any person under sub-section (1), for any offence (other than an offence punishable for a term of imprisonment of three years or more under section 9), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police-station has, and is, subject to, under the Code of Criminal Procedure, 1973.

Sub-section (4) of aforesaid section seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act, (except an offence punishable for a term of imprisonment of three years or more under section 9) shall be bailable.

Sub-section (5) of aforesaid section seeks to provide that offences punishable for a term of imprisonment of three years or more under section 9 shall be cognizable.

The proposed new section 13A seeks to provide that bail for offence punishable for a term of imprisonment of three years or more under section 9 shall not be granted without hearing Public Prosecutor.

Sub-section (1) of the proposed section seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of three years or more under section 9 shall be released on bail or on his own bond unless:—

(i) the public prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the public prosecutor opposes the application, the Magistrate is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

It further seeks to insert a proviso to provide that a person who is under the age of eighteen years or is a woman or is sick or infirm may be released on bail if the Magistrate so directs.

Sub-section (2) thereof seeks to provide that notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer shall, save as otherwise provided under this Act, investigate into an offence under this Act unless specifically authorised by the Central Government by a general or special order, and subject to such conditions as may be specified in the order.

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 136* of the Bill seeks to substitute a new section for section 18 of the Central Excise Act so as to provide that all searches under this Act or the rules made thereunder and all arrests under this Act shall, save as otherwise provided under this Act, be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating respectively to searches and arrests under that Code.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 137* of the Bill seeks to omit section 19 of the Central Excise Act relating to disposal of persons arrested.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 138* of the Bill seeks to amend section 20 of the Central Excise Act so as to omit the words and figures "under section 19". It further seeks to insert the words "in accordance with the provisions of this Act" after the words "such Magistrate".

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 139* of the Bill seeks to amend the notification issued under sub-section (1) of section 5A of the Central Excise Act bearing number G.S.R.62 (E), dated the 6th February, 2010 in the manner specified in the Fifth Schedule so as to provide that the period of exemption of ten years for units undertaking substantial expansion under the said notification shall be computed from the date of commencement of commercial production from the expanded capacity.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 140* of the Bill seeks to amend the Third Schedule to the Central Excise Act in the manner specified in the Sixth Schedule so as to insert S.No. 26A relating to tariff items 2402 20 10 to 2402 20 90 with a view to provide that these items shall be covered under sub-clause (iii) of clause (f) of section 2 relating to deemed manufacture.

*Central Excise Tariff*

*Clause 141* of the Bill seeks to amend the First Schedule to the Central Excise Tariff Act in the manner specified in the Seventh Schedule so as to,—

- (a) align the classification of certain entries with that of revised ISRI code of classification;
- (b) incorporate changes in description of certain tariff items;
- (c) revise tariff rates in respect of certain tariff items;
- (d) insert Chapter Notes relating to classification of certain tariff items and to deem that certain processes shall amount to manufacture.

*Clause 142* of the Bill seeks to insert a new Chapter Note 1A in Chapter 54 of the Central Excise Tariff Act so as to provide that notwithstanding anything contained in Note 1, man-made fibre such as polyester staple fibre and polyester filament yarn manufactured from plastic and plastic waste including waste polyethylene terephthalate bottles shall be classified as textile material under Chapter 54 or Chapter 55, as the case may be", with retrospective effect from the 29th June, 2010.

Sub-clause (2) of the said clause seeks to validate any action taken for the recovery of duty of excise during the period commencing from the 29th June, 2010 and ending with the date on which the Finance Bill, 2012 receives the assent of the President. It further seeks to provide a time limit of one month to pay the duty of excise and in case of failure, interest at the rate of twenty-four per cent. per annum shall be payable along with the duty of excise.

It also seeks to provide that in computing the amount of duty which is recoverable as above, the assessee shall be entitled to take into account the benefit of CENVAT Credit under the CENVAT Credit Rules, 2004, if the same has not been availed by such assessee for reason of such goods being treated as non-excisable or exempted goods.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Service tax*

*Clause 143* of the Bill seeks to amend Chapter V of the Finance Act, 1994, relating to service tax, with a view to replace the existing system of taxation of services based on specified description of services with a new system of taxation of all services other than the services specified in the negative list, in the following manner—

Sub-clause (A) seeks to insert a proviso in section 65 so as to provide that the provisions of that section shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (B) seeks to insert a new sub-section (3) in section 65A so as to provide that the provisions of that section shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (C) seeks to insert a new section 65B with effect from such date as the Central Government may, by notification, appoint so as to define the following expressions—

actionable claim, advertisement, agriculture, agricultural extension, agricultural produce, Agricultural Produce Marketing Committee

or Board, aircraft, airport, amusement facility, Appellate Tribunal, approved vocational education course, assessee, associated enterprise, authorised dealer of foreign exchange, betting or gambling, Board, business entity, Central Electricity Authority, Central Transmission Utility, courier agency, customs station, declared service, electricity transmission or distribution utility, entertainment event, goods, goods transport agency, India, information technology software, inland waterway, interest, local authority, metered cab, money, negative list, non-taxable territory, notification, person, port, prescribed, process amounting to manufacture or production of goods, renting, Reserve Bank of India, securities, service, Special Economic Zone, stage carriage, State Electricity Board, State Transmission Utility, support services, tax, taxable service, taxable territory, vessel, works contract.

This amendment shall have effect from such date as the Central Government may, by notification in the Official Gazette, appoint.

Sub-clause (D) seeks to insert a proviso in section 66 so as to provide that the provisions of that section shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (E) seeks to insert a new sub-section (3) in section 66A so as to provide that the provisions of that section shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (F) seeks to insert new sections 66B, 66C, 66D, 66E and 66F with effect from such date as the Central Government may, by notification, appoint.

Proposed section 66B seeks to levy service tax at the rate of twelve per cent. on the value of services, other than services specified in the negative list, provided or agreed to be provided in the taxable territory by a person to another.

Proposed section 66C seeks to empower the Central Government to make rules to determine the place of provision of service having regard to the nature and description of various services.

Proposed section 66D seeks to specify the following list of services as the negative list:—

(a) services by Government or a local authority excluding the following services to the extent they are not covered elsewhere,—

(i) services by the Department of Posts by way of speed post, express parcel post, life insurance and agency services provided to a person other than Government;

(ii) services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;

(iii) transport of goods or passengers; or

(iv) support services, other than services covered under clauses (i) to (iii) above, to business entities;

(b) services by the Reserve Bank of India;

(c) services by a foreign diplomatic mission located in India;

(d) services relating to agriculture by way of:—

- (i) agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or seed testing;
- (ii) supply of farm labour;
- (iii) processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter essential characteristics of agricultural produce but make it only marketable for the primary market;
- (iv) renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;
- (v) loading, unloading, packing, storage or warehousing of agricultural produce;
- (vi) agricultural extension services;
- (vii) services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;

(e) trading of goods;

(f) any process amounting to manufacture or production of goods;

(g) selling of space or time slots for advertisements other than advertisements broadcast by radio or television;

(h) service by way of access to a road or a bridge on payment of toll charges;

- (i) betting, gambling or lottery;
- (j) admission to entertainment events or access to amusement facilities;
- (k) transmission or distribution of electricity by an electricity transmission or distribution utility;

(l) services by way of—

- (i) pre-school education and education up to higher secondary school or equivalent;
- (ii) education as a part of a curriculum for obtaining a qualification recognised by law;
- (iii) education as a part of an approved vocational education course;

(m) services by way of renting of residential dwelling for use as residence;

(n) services by way of—

- (i) extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount;
- (ii) *inter se* sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange to deal in foreign exchange or foreign securities or amongst banks and such dealers;

(o) service of transportation of passengers, with or without accompanied belongings, by—

- (i) a stage carriage;
- (ii) railways in a class other than—
  - (A) first class; or
  - (B) an air-conditioned coach;
- (iii) metro, monorail or tramway;
- (iv) inland waterways;
- (v) public transport, other than predominantly for tourism purpose, in a vessel of less than fifteen tonne net; and
- (vi) metered cabs, radio taxis or auto rickshaws;

(p) services by way of transportation of goods—

- (i) by road except the services of—
  - (A) a goods transportation agency; or
  - (B) a courier agency;
- (ii) by an aircraft or a vessel from a place outside India to the first customs station of landing in India; or
- (iii) by inland waterways;

(q) funeral, burial, crematorium or mortuary services including transportation of the deceased.

Proposed section 66E seeks to declare the following activities as declared services which shall constitute services for the purpose of Chapter V of the Finance Act, 1994—

- (a) renting of immovable property;
- (b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration is received after issuance of certificate of completion by the competent authority and to define “competent authority” and “construction” by way of explanations;
- (c) temporary transfer or permitting the use or enjoyment of any intellectual property right;
- (d) development, design, programming, customisation, adaptation, upgradation, enhancement, implementation of information technology software;
- (e) agreeing to the obligation to refrain from an act, or to tolerate an act or a situation, or to do an act;
- (f) transfer of goods by way of hiring, leasing, licensing or in any such manner without transfer of right to use such goods;
- (g) activities in relation to delivery of goods on hire purchase or any system of payment by instalments;
- (h) service portion in the execution of a works contract;
- (i) service portion in an activity wherein goods, being food or any other article of human consumption or any drink (whether or not intoxicating) is supplied in any manner as a part of the activity;

Proposed section 66F seeks to provide for principles of interpretation of specified descriptions of services or bundled services.

Sub-clause (G) seeks to amend section 67, so as to omit clause (b) of the *Explanation* thereto.

The amendments made by sub-clauses (A), (B), (C), (D), (E), (F) and (G) will come into force from a date to be notified by the Central Government.

Sub-clause (H) proposes to insert new section 67A, with a view to provide for date of determination of rate of tax, value of taxable service and rate of exchange.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (I) seeks to amend section 68 with a view to insert a proviso in sub-section (2), for the purpose of empowering the Central Government to notify the services and the extent of service tax payable.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (J) seeks to insert new section 72A with a view to provide for a special audit to be carried out by a chartered accountant or cost accountant nominated by the Commissioner. The special audit shall be ordered where the service tax assessee has failed to declare or determine the value of taxable service or has availed and utilised credit of duty or tax beyond the normal limit or by means of, collusion or wilful mis-statement or he is having operations spread out in multiple locations. It is further proposed to provide that the chartered accountant or as the case may be, the cost accountant shall submit a report to the Commissioner on completion of the audit and such audit may be ordered even though such accounts had been audited under any other law for the time being in force. Before initiating proceedings on the basis of the report, a reasonable opportunity of being heard shall be given to the service tax assessee so audited.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (K) seeks to amend section 73, with a view to increase the period of issue of notice from one year to eighteen months. It is further proposed to insert sub-section (1A) with a view to provide that where a notice or notices have been served under sub-section (1), service of a statement of details of service tax not levied, or not paid or short levied or short paid or erroneously refunded, on the person chargeable with service tax, shall be deemed to be service of notice on such person if the grounds relied upon are the same.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (L) seeks to amend section 80 with a view to provide for penalty waiver on the service tax payable on service of renting of immovable property as on the 6th day of March, 2012, subject to the condition that the service tax and interest are paid in full within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (M) seeks to amend section 83 with a view to make certain provisions of the Central Excise Act applicable to the service tax.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (N) seeks to amend section 85 to provide for the period of limitation for filing appeal before the Commissioner (Appeals) as

two months extendable by one month from the date of receipt of decision or order of the adjudicating authority. The period of limitation extended by this sub-clause shall be applicable for all decisions or orders passed by the adjudicating authority on or after the date on which the Finance Bill, 2012 receives the assent of the President.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (O) seeks to amend section 86 with a view to provide for the period of limitation for filing appeal before the Tribunal as four months from the date of receipt of order by the Committee of Chief Commissioners or Committee of Commissioners. The period of limitation extended by this sub-clause shall be applicable for all decisions or orders passed after the date on which the Finance Bill, 2012 receives the assent of the President.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (P) seeks to amend section 88 to substitute the word 'duty' with the word 'tax'.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (Q) seeks to amend section 89, with a view to make evasion of payment of service tax knowingly committed, a punishable offence.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (R) seeks to amend section 93A, so as to provide for rebate of service tax on taxable services used for export of goods, after the stage of manufacture, processing or removal.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (S) seeks to insert a new section 93B in the Finance Act, 1994 with a view to provide that all the rules made under section 94 and applicable to taxable services shall also be applicable to services other than taxable services in so far as they are relevant to the determination of any tax liability, refund, credit of service tax or duties paid on inputs and input services or for carrying out the provisions of Chapter V of the Finance Act, 1994.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (T) seeks to amend sub-section (2) of section 94, to omit clause (ee), to amend clause (hhh) and to insert new clauses (i) and (j) relating to power to make rules.

These amendments will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (U) seeks to amend section 95 of the said Act, so as to empower the Central Government to issue orders for removal of difficulty in case of certain provisions inserted by the proposed legislation in this Chapter, up to two years from the date of enactment of the Finance Bill, 2012.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (V) seeks to amend sub-section (2) of section 96C so as to substitute clause (e) thereof to provide for admissibility of credit of duty or tax in terms of rules made in this regard.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Sub-clause (W) seeks to insert section 97 and 98, with a view to extend service tax exemption retrospectively for repair of roads and non-commercial Government buildings for the period specified in the respective sections.

These amendments will take effect from the date on which this Bill receives the assent of the President.

*Clause 144* of the Bill seeks to give retrospective effect to sub-rule (6A) of rule 6, inserted *vide* the notification of the Government of India number G.S.R. 134(E), dated the 1st March, 2011, in the CENVAT Credit Rules, 2004, from the 10th day of February, 2006 in the manner specified in the Eighth Schedule.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 145* of the Bill, seeks to give retrospective effect to the notification of the Government of India number G.S.R. 566(E), dated the 25th July, 2011, from the 16th day of June, 2005, so as to allow the service tax exemption to a club or association service provided by a club or association, including cooperative societies, in relation to the project, under the said notification. The notification explains the expression "project" to mean common facility set up for treatment of effluents and solid wastes, with the Central Government's or State Government's financial assistance.

This amendment will take effect from the date on which this Bill receives the assent of the President.

#### *Fiscal Responsibility and Budget Management*

Chapter VI (containing clauses 146-150) provides for amendments in the Fiscal Responsibility and Budget Management Act, 2003. Clause 146 seeks to amend section 2 of the aforesaid Act so as to insert the new clauses (aa) and (bb) defining the expressions of "effective revenue deficit" and "grants for creation of capital assets". Clause 147 seeks to amend section 3 of the aforesaid Act relating to fiscal policy statements to be laid before Parliament. It is proposed to amend sub-section (1) of the said section so as to insert a new clause (d) relating to the Medium-term Expenditure Framework Statement which is also a statement of fiscal policy in addition to the statements of the fiscal policy specified therein. It further seeks to insert new sub-sections (1A) and (1B) in the aforesaid section so as to provide that the statements referred to in clauses (a) to (c) of sub-section (1) shall be followed up with the Medium-term Expenditure Framework Statement with detailed analysis of underlying assumptions. The proposed new sub-section (1B) provides that the Central Government shall lay the Medium-term Expenditure Framework Statement referred to in clause (d) of sub-section (1) before both Houses of Parliament, immediately following the Session of Parliament in which the policy statements referred to in clauses (a) to (c) were laid under sub-section (1). It also seeks to insert a new sub-section (6A) in the aforesaid section so as to provide that (a) the Medium-term Expenditure Framework Statement shall

set forth a three-year rolling target for prescribed expenditure indicators with specification of underlying assumptions and risk involved; (b) the Medium-term Expenditure Framework Statement shall, *inter-alia*, contain the expenditure commitment of major policy changes involving new service, new instruments of service, new schemes and programmes; the explicit contingent liabilities, which are in the form of stipulated annuity payments over a multi-year time-frame; and the detailed breakup of grants for creation of capital assets. It also seeks to amend sub-section (7) of the aforesaid section so as to include the "Medium-term Expenditure Framework Statement" in the said sub-section for the purpose of prescribing the form with respect to the said Statement.

*Clause 148* seeks to amend section 4 of the aforesaid Act relating to fiscal management principles. The existing provisions of sub-section (1) of the aforesaid section provide that the Central Government shall take appropriate measures to reduce the fiscal deficit and revenue deficit so as to eliminate revenue deficit by the 31st March, 2009 and thereafter build up adequate revenue surplus. Sub-section (2), *inter alia*, provides that the Central Government shall, by rules made by it, specify the annual targets for reduction of fiscal deficit and revenue deficit during the period beginning with the commencement of this Act and ending on 31st March, 2009. It is proposed to amend the aforesaid sub-section (1) so as to provide that the Central Government shall take appropriate measures to reduce the fiscal deficit, revenue deficit and effective revenue deficit to eliminate the effective revenue deficit by the 31st March, 2015 and thereafter build up adequate effective revenue surplus and also to reach revenue deficit of not more than two per cent. of Gross Domestic Product by the 31st March, 2015 and thereafter as may be prescribed by rules made by the Central Government. It further seeks to amend the aforesaid sub-section (2) so as to include therein the expression "effective revenue deficit" and enhance the existing time period from 31st March, 2009 to 31st March, 2015.

*Clause 149* seeks to insert a new section 7A in the aforesaid Act relating to laying of review report before Parliament. It provides that the Central Government may entrust the Comptroller and Auditor-General of India to review periodically as required, the compliance of the provisions of this Act and such reviews shall be laid on the table of both Houses of Parliament.

*Clause 150* seeks to amend sub-section (2) of section 8 of the aforesaid Act relating to power to make rules. It proposes to make certain amendments which are consequential in nature.

This clause will take effect from the date on which this Bill receives the assent of the President.

#### *Miscellaneous*

*Clause 151* of the Bill seeks to amend the Schedule to the Oil Industry (Development) Act, 1974 so as to increase the rate of cess levied on crude oil.

*Clause 152* of the Bill seeks to amend the Seventh Schedule to the Finance Act, 2001 so as to make certain amendments as specified in the Ninth Schedule.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 153* of the Bill seeks to amend section 98 of the Finance (No. 2) Act, 2004 relating to charge of securities transaction tax. It is proposed to amend the Table below the said section which specifies the rates at which the securities transaction tax shall be charged. It is proposed to reduce the rates of securities transaction tax from 0.125

per cent. to 0.1 per cent. in respect of the taxable securities transactions of the equity shares or units of equity oriented fund of the nature referred to in column (2) of the said Table against serial numbers 1 and 2 thereof. This amendment will take effect from 1st July, 2012.

*Clause 154* of the Bill seeks to amend the Seventh Schedule to the Finance Act, 2005 so as to make certain amendments as specified in the Tenth Schedule.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 155* of the Bill seeks to amend section 73 of the Finance Act, 2010 with a view to substitute the word "inputs" with the words "inputs or input services" with retrospective effect from the 8<sup>th</sup> day of May, 2010.

This amendment will take effect from the date on which this Bill receives the assent of the President.

*Clause 156* of the Bill seeks to amend the Finance Act, 2011 so as to provide for a deeming clause that with effect from the date of coming into force of the Finance Act, 2011, clause (b) of section 73 under the heading "*Central Excise Tariff*" shall be deemed to have been inserted as section 70A under the heading "*Excise*". It further seeks to amend the Twelfth Schedule to the said Finance Act so as to substitute brackets, words, figures and letter "[See section 73(b)]

In the Third Schedule to the Central Excise Tariff Act" with the words "[see section 70A],

In the Third Schedule to the Central Excise Act".

This amendment will take effect from the date on which this Bill receives the assent of the President.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to insert sections 35CCC and 35CCD in the Income-tax Act relating to "Expenditure on agricultural extension project" and "Expenditure on skill development project".

The proposed new section 35CCC seeks to provide that where an assessee incurs any expenditure on agricultural extension project notified by the Board in accordance with the guidelines as may be prescribed, then, there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure.

Accordingly, it is proposed to confer power upon the Board to notify the "agricultural extension project" and to empower the Board to make rules relating to guidelines for the purposes of the said section.

The proposed new section 35CCD seeks to provide that where a company incurs an expenditure (not being expenditure in the nature of cost of any land or building) on any skill development project notified by the Board in accordance with the guidelines as may be prescribed, then, there shall be allowed a deduction of a sum equal to one and one-half times of such expenditure.

Accordingly, it is proposed to confer power upon the Board to notify the "skill development project" and to empower the Board to make rules relating to guidelines for the purposes of the said section.

Clause 21 of the Bill seeks to amend section 56 of the Income-tax Act relating to income from other sources.

The proposed amendment seeks to insert a new clause (viib) with an explanation in sub-section (2) of the said section. The explanation to the said new clause provides that the fair market value of the shares shall be the value as may be determined in accordance with such method as may be prescribed.

Accordingly, the proposed amendment empowers the Board to make the rules so as to determine the fair market value of the shares.

Clause 31 of the Bill seeks to amend section 90 of the Income-tax Act relating to agreement with foreign countries or specified territories.

The proposed amendment seeks to insert a new sub-section (4) in the aforesaid section 90 so as to provide that an assessee, not being a resident, to whom an agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing such particulars as may be prescribed, of his being a resident in any country outside India or specified territory outside India, as the case may be, is obtained by him from the Government of that country or specified territory.

The proposed amendment empowers the Board to make rules for specifying the particulars with respect to the certificate to be obtained by the assessee from the Government of that country or specified territory.

Clause 32 of the Bill seeks to amend section 90A of the Income-tax Act relating to adoption by Central Government of agreement between specified associations for double taxation relief.

The proposed amendment seeks to insert a new sub-section (4) in the aforesaid section 90A so as to provide that an assessee, not being a resident, to whom the agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate, containing such particulars

as may be prescribed, of his being a resident in any specified territory outside India is obtained by him from the Government of that specified territory.

The proposed amendment empowers the Board to make rules for specifying the particulars with respect to the certificate to be obtained by the assessee from the Government of that specified territory.

Clause 35 of the Bill seeks to insert a new section 92BA in the Income-tax Act relating to meaning of specified domestic transaction.

Clause (vi) of the proposed new section empowers the Board to make rules relating to any other specified domestic transaction not being an international transaction.

Clause 39 of the Bill seeks to insert new sections 92CC and 92CD in the Income-tax Act relating to advanced pricing agreement and effect to advance pricing agreement.

Sub-section (9) of the proposed new section 92CC empowers the Board to make rules relating to the scheme specifying therein the manner, form, procedure and any other matter generally in respect of the advance pricing agreement.

Clause 40 of the Bill seeks to insert a new Chapter-XA in the Income-tax Act relating to General anti-avoidance rule.

Section 101 of the aforesaid Chapter seeks to provide that the provisions of the said Chapter shall be applied in accordance with such guidelines and subject to such conditions and the manner as may be prescribed.

It is proposed to empower the Board to make rules relating to guidelines for application of the provisions of the said Chapter.

Clause 48 of the Bill seeks to substitute a new section for section 115JC of the Income-tax Act relating to special provisions for payment of tax by certain persons other than a company.

Sub-section (3) of the aforesaid new section 115JC seeks to provide that every person to whom section 115JC applies shall obtain a report, in such form as may be prescribed from an accountant, certifying that the adjusted total income and the alternate minimum tax have been computed in accordance with the provisions of this Chapter and furnish such report on or before the due date of furnishing of return of income under sub-section (1) of section 139.

Accordingly, the Board is empowered to make rules for the purposes of the said section.

Clause 56 of the Bill seeks to amend section 139 of the Income-tax Act relating to return of income.

Sub-clause (a) of the said clause seeks to insert a proviso in sub-section (1) of the said section so as to provide that a person, being a resident, who is not required to furnish a return under this sub-section and who during the previous year has any asset (including any financial interest in any entity) located outside India or signing authority in any account located outside India, shall furnish, on or before the due date, a return in respect of his income or loss for the previous year in such form and verified in such manner and setting forth such other particulars as may be prescribed.

Accordingly, the Board is empowered to make rules for the purposes of the said section.

Clause 59 of the Bill seeks to insert a new section 144BA in the Income-tax Act relating to reference to Commissioner in certain cases.

Sub-section (15) of the new section 144BA empowers the Board to make rules for the purposes of the efficient functioning of the approving panel and expeditious disposal of the references received under sub-section (4) of the said section.

Clause 64 of the Bill seeks to amend section 153A of the Income-tax Act relating to assessment in case of search or requisition.

The proposed amendment seeks to insert a proviso in sub-section (1) of the aforesaid section so as to provide that the Central Government may by rules made by it and published in the Official Gazette (except in cases where any assessment or reassessment has abated under the second proviso), specify the class or classes of cases in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made.

Accordingly, the proposed amendment empowers the Central Government to make rules for the purposes of the said section.

Clause 66 of the Bill seeks to amend section 153C of the Income-tax Act relating to assessment of income of any other person.

The proposed amendment seeks to insert a proviso in sub-section (1) of the aforesaid section so as to provide that the Central Government may by rules made by it and published in the Official Gazette, specify the class or classes of cases in respect of such other person, in which the Assessing Officer shall not be required to issue notice for assessing or reassessing the total income for six assessment years immediately preceding the assessment year relevant to the previous year in which search is conducted or requisition is made except in cases where any assessment or reassessment has abated.

Accordingly, the proposed amendment empowers the Central Government to make rules for the purposes of the said section.

Clause 73 of the Bill seeks to insert new section 194LAA in the Income-tax Act relating to payment of transfer of certain immovable property other than agricultural land.

Sub-section (4) of the proposed new section seeks to provide that notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-clause (a) to clause (e) of sub-section (1) or sub-section (1A) of section 17 of the Indian Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person to or in any immovable property and in respect of which tax is required to be deducted under sub-section (1), no registering officer shall register any such document, unless the transferee furnishes the proof of deduction of income-tax in accordance with the provisions of this section and payment of sum so deducted to the credit of the Central Government in the prescribed form.

Accordingly, the proposed amendment empowers the Central Government to make rules for the purposes of the said section.

Clause 75 of the Bill proposes to amend section 195 of the Income-tax Act relating to other sums.

The proposed amendment seeks to insert sub-section (7) in the said section so as to provide that the Board may by notification in the Official Gazette, specify a class of persons or cases, where the person responsible for paying to a non-resident, not being a

company, or to a foreign company, any sum, whether or not chargeable under the provisions of this Act, shall make an application to the Assessing Officer to determine, by general or special order, the appropriate proportion of sum chargeable, and upon such determination, tax shall be deducted under sub-section (1) on that proportion of the sum which is so chargeable.

The proposed amendment, therefore, empowers the Board to issue a notification for the purposes of the said section.

Clause 77 of the Bill proposes to amend section 201 of the Income-tax Act relating to consequences of failure to deduct or pay.

The proposed amendment seeks to insert a new proviso in sub-section (1) of the said section so as to provide that any person including the principal officer of a company, who fails to deduct the whole or any part of the tax in accordance with the provisions of Chapter XVII-B on the sum paid to a resident or on the sum credited to the account of a resident shall not be an assessee in default in respect of such tax if such resident has furnished his return of income under section 139; has taken into account such sum for computing income in such return of income; and has paid the tax due on the income declared by him in such return of income; and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed.

The proposed amendment, therefore, empowers the Board to make rules for the purposes of the said section.

Clause 79 of the Bill proposes to amend section 206C of the Income-tax Act relating to profits and gains from the business of trading in alcoholic liquor, forest produce, scrap, etc.

The proposed amendment seeks to insert a new proviso in sub-section (6A) of the said section so as to provide that any person, other than a person referred to in sub-section (1D), responsible for collecting tax in accordance with the provisions of this section, who fails to collect the whole or any part of the tax on the amount received from a buyer or licensee or lessee or on the amount debited to the account of the buyer or licensee or lessee shall not be deemed to be an assessee in default in respect of such tax, if such buyer or licensee or lessee has furnished his return of income under section 139; has taken into account such amount for computing income in such return of income; and has paid the tax due on the income declared by him in such return of income and the person furnishes a certificate to this effect from an accountant in such form as may be prescribed.

Accordingly, the proposed amendment empowers the Board to make rules for the purposes of the said section.

Clause 106 of the Bill seeks to insert the new section 280A in Chapter XXII of the Income-tax Act relating to Special Courts.

The proposed new section 280A seeks to provide that the Central Government, in consultation with the Chief Justice of the High Court, may, for trial of offences punishable under this Chapter, by notification, designate one or more courts of Magistrate of first class as Special Court for such area or areas or for such cases or class or group of cases as may be specified in the notification.

The proposed new section is, therefore, empowers the Central Government to issue a notification for the purposes of the said section.

Clause 118 of the Bill seeks to amend section 47 of the Customs Act relating to clearance of goods for home consumption.

Sub-clause (a) of the said clause seeks to insert a new proviso in sub-section (2) empowering the Central Government by notification, in the Official Gazette, to specify the class or classes of importers who shall pay the import duty electronically.

Clause 143 of the Bill seeks to amend Chapter V of the Finance Act, 1994 relating to Service tax.

Sub-clause (A) of said clause seeks to insert a proviso in section 65 so as to provide that the provisions of section 65 shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (B) of aforesaid clause seeks to insert a new section 65A so as to provide that the provisions of section 65A shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (C) of aforesaid clause seeks to insert a new section 65B to provide for interpretation of various expressions, with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (D) of aforesaid clause seeks to insert a proviso in section 66 so as to provide that the provisions of section 66 shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (E) of aforesaid clause seeks to insert a new sub-section (3) in section 66A so as to provide that the provisions of section 66A shall not apply with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (F) of aforesaid clause seeks to insert new sections 66B, 66C, 66D, 66E and 66F therein with effect from such date as the Central Government may, by notification, appoint.

The proposed section 66B empowers the Central Government to make rules in respect of the manner of collection of service tax.

The proposed new section 66C seeks to provide for determination of place of provision of service. Sub-clause (1) thereof seeks to provide that the Central Government may, having regard to the nature and description of various services, by rules made in this regard, determine the place where such services are provided or deemed to have been provided or agreed to be provided or deemed to have been agreed to be provided.

Sub-clause (G) of aforesaid clause seeks to omit sub-clause (b) in the *Explanation* to section 67, with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (I) of aforesaid clause seeks to amend section 68 thereof relating to payment of service tax.

Item (i) of the said sub-clause (I) seeks to amend sub-section (2) so as to substitute the words “any taxable service notified” appearing in sub-section (2) of section 68, with the words “such taxable services as may be notified”, with effect from such date as the Central Government may, by notification, appoint.

Item (ii) of the said sub-clause (I) seeks to insert a new proviso in the said sub-section (2), with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (T) of aforesaid clause seeks to amend sub-section (2) of section 94 thereof.

Accordingly, the said section 94 empowers the Central Government to make rules.

Item (iii) of the said sub-clause (T) seeks to insert—

(a) a new clause (i) so as to empower the Central Government to provide for the amount to be paid for compounding and the manner of compounding of offences;

(b) a new clause (j) so as to empower the Central Government to provide for the settlement of cases in accordance with sections 31, 32 and 32A to 32P (both inclusive) in Chapter V of the Central Excise Act, 1944 as made applicable to service tax *vide* section 83.

Clause 147 of the Bill proposes to amend section 3 of the Fiscal Responsibility and Budget Management Act, 2003 relating to “fiscal policy statement” to be laid before Parliament.

The proposed amendment seeks to insert a new sub-section (6A) in the said section. Clause (a) of sub-section (6A) of said section seeks to provide that the Medium-term Expenditure Framework Statement shall set forth a three-year rolling target for prescribed expenditure indicators with specifications of underlying assumptions and risk involved.

Accordingly, the proposed amendment confers power upon the Central Government to make rules with respect to the expenditure indicators with specifications of underlying assumptions and risks involved under clause (a) of sub-section (6A) of section 3.

Clause 148 of the Bill proposes to amend section 4 of the Fiscal Responsibility and Budget Management Act, 2003 relating to “fiscal management principles”.

The proposed amendment seeks to substitute sub-section (1) of the aforesaid section so as to provide that the Central Government shall take appropriate measures to reduce the fiscal deficit, revenue deficit and effective revenue deficit to eliminate the effective revenue deficit by the 31st March, 2009 and thereafter build up adequate effective revenue surplus and also to reach revenue deficit of not more than two per cent. of Gross Domestic Product by the 31st March, 2005 and thereafter as may be prescribed by the rules made by the Central Government.

Accordingly, the proposed amendment confers power upon the Central Government to make rules so as to enhance the existing time period from 31st March, 2009 to 31st March, 2015 for the purpose of eliminating revenue deficit.

The matters in respect of which notifications may be issued or rules may be made in accordance with the provisions of the Bill are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

The delegation of legislative power is, therefore, of a normal character.

T. K. VISWANATHAN,  
Secretary-General.